



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT

REGION II SITE NUMBER (to be assigned by HQ) NJ 000010150

GENERAL INSTRUCTIONS: Complete Sections I and II through XV of this form as completely as possible. Then use the information on this form to develop a Tentative Disposition (Section II). File this form in its entirety in the regional Hazardous Waste Log File. Be sure to include all appropriate Supplemental Reports in the file. Submit a copy of the forms to: U.S. Environmental Protection Agency; Site Tracking System; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME Borne Chemical Co. B. STREET (or other identifier) 632 So. Front St.
C. CITY Elizabeth D. STATE NJ E. ZIP CODE 07207 F. COUNTY NAME Union

G. SITE OPERATOR INFORMATION
1. NAME Borne Chemical Co., Inc. 2. TELEPHONE NUMBER 201-351-1717
3. STREET 632 S. Front St. 4. CITY Elizabeth 5. STATE NJ 6. ZIP CODE 07207

H. REALTY OWNER INFORMATION (if different from operator of site)
1. NAME 2. TELEPHONE NUMBER
3. CITY 4. STATE 5. ZIP CODE

I. SITE DESCRIPTION Site contains a surface impoundment containing unknown quantities of oily water and 23 tanks with liquids and sludges.

J. TYPE OF OWNERSHIP
☐ 1. FEDERAL ☐ 2. STATE ☐ 3. COUNTY ☐ 4. MUNICIPAL ☒ 5. PRIVATE

II. TENTATIVE DISPOSITION (complete this section last)

A. ESTIMATE DATE OF TENTATIVE DISPOSITION (mo., day, & yr.) B. APPARENT SERIOUSNESS OF PROBLEM
☐ 1. HIGH ☒ 2. MEDIUM ☐ 3. LOW ☐ 4. NONE

C. PREPARER INFORMATION
1. NAME Amelia J Janisz 2. TELEPHONE NUMBER (201) 621-6800 3. DATE (mo., day, & yr.) 08-24-81

III. INSPECTION INFORMATION

A. PRINCIPAL INSPECTOR INFORMATION
1. NAME Amelia J. Janisz 2. TITLE Biostatistician
3. ORGANIZATION Fred C. Hart Assoc. 4. TELEPHONE NO. (area code & no.) (201) 621-6800

B. INSPECTION PARTICIPANTS
1. NAME 2. ORGANIZATION 3. TELEPHONE NO.
Jim Shirk Fred C. Hart Assoc. (201) 621-6800
Jim Rogers " " " "
Greg Skhuda " " " "

C. SITE REPRESENTATIVES INTERVIEWED (corporate officials, workers, residents)
1. NAME 2. TITLE & TELEPHONE NO. 3. ADDRESS
Mr. A.J. Corona (201) 351-1717 Manager Borne Chem. Co.
Mr. S. Patrick (201) 351-1717 President " "
Mr. h. Markowitz (201) 354-8111 Attorney P.O. Box 634 Elizabeth, NJ 07207

160300



III. INSPECTION INFORMATION (continued)

D. GENERATOR INFORMATION (sources of waste)

1. NAME	2. TELEPHONE NO.	3. ADDRESS	4. WASTE TYPE GENERATED

E. TRANSPORTER/HAULER INFORMATION

1. NAME	2. TELEPHONE NO.	3. ADDRESS	4. WASTE TYPE TRANSPORTED
Unknown			

F. IF WASTE IS PROCESSED ON SITE AND ALSO SHIPPED TO OTHER SITES, IDENTIFY OFF-SITE FACILITIES USED FOR DISPOSAL.

1. NAME	2. TELEPHONE NO.	3. ADDRESS

G. DATE OF INSPECTION

H. TIME OF INSPECTION

1. ACCESS GAINED BY: (credentials must be shown in all cases)

(mo., day, & yr.)

8-23-81

10:00 a.m.

☒ 1. PERMISSION☐ 2. WARRANT

J. WEATHER (describe)

Overcast, 85° F, Humid

IV. SAMPLING INFORMATION

A. Mark 'X' for the types of samples taken and indicate where they have been sent e.g., regional lab, other EPA lab, contractor, etc. and estimate when the results will be available.

1. SAMPLE TYPE	2. SAMPLE TAKEN (mark 'X')	3. SAMPLE SENT TO:	4. DATE RESULTS AVAILABLE
a. GROUNDWATER			
b. SURFACE WATER			
c. WASTE		N/A	
d. AIR			
e. RUNOFF			
f. SPILL			
g. SOIL			
h. VEGETATION			
i. OTHER (specify)			

B. FIELD MEASUREMENTS TAKEN (e.g., radioactivity, explosivity, PH, etc.)

1. TYPE	2. LOCATION OF MEASUREMENTS	3. RESULTS

Continued From Page 2

IV. SAMPLING INFORMATION (continued)

C. PHOTOS

1. TYPE OF PHOTOS

☒ a. GROUND ☐ b. AERIAL

2. PHOTOS IN CUSTODY OF:

Amelia J. Janisz, FCHA

D. SITE MAPPED?

☒ YES. SPECIFY LOCATION OF MAPS:

Topographic map of site.

E. COORDINATES

1. LATITUDE (deg.-min.-sec.)

40° 38' 30"

2. LONGITUDE (deg.-min.-sec.)

74° 12' 00"

V. SITE INFORMATION

A. SITE STATUS

☒ 1. ACTIVE (Those industrial or municipal sites which are being used for waste treatment, storage, or disposal on a continuing basis, even if infrequently.)☐ 2. INACTIVE (Those sites which no longer receive wastes.)☐ 3. OTHER (specify):
(Those sites that include such incidents like "midnight dumping" where no regular or continuing use of the site for waste disposal has occurred.)

B. IS GENERATOR ON SITE?

☒ 1. NO☐ 2. YES (specify generator's four-digit SIC Code):

C. AREA OF SITE (in acres)

26

D. ARE THERE BUILDINGS ON THE SITE?

☐ 1. NO☒ 2. YES (specify):

VI. CHARACTERIZATION OF SITE ACTIVITY

Indicate the major site activity(ies) and details relating to each activity by marking 'X' in the appropriate boxes.

<input checked="" type="checkbox"/> A. TRANSPORTER	<input checked="" type="checkbox"/> B. STORER	<input checked="" type="checkbox"/> C. TREATER	<input checked="" type="checkbox"/> D. DISPOSER
1. RAIL	1. PILE	1. FILTRATION	1. LANDFILL
2. SHIP	2. SURFACE IMPOUNDMENT	2. INCINERATION	2. LANDFARM
3. BARREL	<input checked="" type="checkbox"/> 3. DRUMS	3. VOLUME REDUCTION	3. OPEN DUMP
4. TRUCK	<input checked="" type="checkbox"/> 4. TANK, ABOVE GROUND	4. RECYCLING/RECOVERY	<input checked="" type="checkbox"/> 4. SURFACE IMPOUNDMENT
5. PIPELINE	5. TANK, BELOW GROUND	5. CHEM./PHYS./TREATMENT	5. MIDNIGHT DUMPING
6. OTHER (specify):	<input checked="" type="checkbox"/> 6. OTHER (specify): pipes below ground.	6. BIOLOGICAL TREATMENT	6. INCINERATION
		7. WASTE OIL REPROCESSING	7. UNDERGROUND INJECTION
		8. SOLVENT RECOVERY	8. OTHER (specify):
		9. OTHER (specify):	

E. SUPPLEMENTAL REPORTS: If the site falls within any of the categories listed below, Supplemental Reports must be completed. Indicate which Supplemental Reports you have filled out and attached to this form.

- ☐ 1. STORAGE ☐ 2. INCINERATION ☐ 3. LANDFILL ☐ 4. SURFACE IMPOUNDMENT ☐ 5. DEEP WELL
- ☐ 6. CHEM/BIO/PHYS TREATMENT ☐ 7. LANDFARM ☐ 8. OPEN DUMP ☐ 9. TRANSPORTER ☐ 10. RECYCLOR/RECLAIMER

VII. WASTE RELATED INFORMATION

A. WASTE TYPE

☒ 1. LIQUID☐ 2. SOLID☒ 3. SLUDGE☒ 4. GAS

B. WASTE CHARACTERISTICS

☒ 1. CORROSIVE☒ 2. IGNITABLE☐ 3. RADIOACTIVE☒ 4. HIGHLY VOLATILE☒ 5. TOXIC☐ 6. REACTIVE☐ 7. INERT☐ 8. FLAMMABLE☒ 9. OTHER (specify):

explosive.

C. WASTE CATEGORIES

1. Are records of wastes available? Specify items such as manifests, inventories, etc. below.

VII. WASTE RELATED INFORMATION (continued)

2. Estimate the amount (specify unit of measure) of waste by category; mark 'X' to indicate which wastes are present.

a. SLUDGE	b. OIL	c. SOLVENTS	d. CHEMICALS	e. SOLIDS	f. OTHER
AMOUNT Unknown	AMOUNT 468,000	AMOUNT	AMOUNT 600	AMOUNT	AMOUNT
UNIT OF MEASURE	UNIT OF MEASURE gallons	UNIT OF MEASURE	UNIT OF MEASURE drums	UNIT OF MEASURE	UNIT OF MEASURE
<input checked="" type="checkbox"/> (1) PAINT, PIGMENTS	<input checked="" type="checkbox"/> (1) OIL WASTES	<input checked="" type="checkbox"/> (1) HALOGENATED SOLVENTS	<input checked="" type="checkbox"/> (1) ACIDS	<input checked="" type="checkbox"/> (1) FLYASH	<input checked="" type="checkbox"/> (1) LABORATORY, PHARMACEUT.
<input type="checkbox"/> (2) METALS SLUDGES	<input type="checkbox"/> (2) OTHER (specify):	<input type="checkbox"/> (2) NON-HALOGENATED SOLVENTS	<input type="checkbox"/> (2) PICKLING LIQUORS	<input type="checkbox"/> (2) ASBESTOS	<input type="checkbox"/> (2) HOSPITAL
<input type="checkbox"/> (3) POTW	X includes PCB's and other chemicals	<input type="checkbox"/> (3) OTHER (specify):	<input type="checkbox"/> (3) CAUSTICS	<input type="checkbox"/> (3) MILLING/MINE TAILINGS	<input type="checkbox"/> (3) RADIOACTIVE
<input type="checkbox"/> (4) ALUMINUM SLUDGES		<input type="checkbox"/> (4) PESTICIDES	<input type="checkbox"/> (4) FERROUS SMELTING WASTES	<input type="checkbox"/> (4) MUNICIPAL	
<input type="checkbox"/> (5) OTHER (specify):		<input type="checkbox"/> (5) DYES/INKS	<input type="checkbox"/> (5) NON-FERROUS SMELTING WASTES	<input type="checkbox"/> (5) OTHER (specify):	
		<input type="checkbox"/> (6) CYANIDE			
		<input type="checkbox"/> (7) PHENOLS			
		<input type="checkbox"/> (8) HALOGENS			
		<input type="checkbox"/> (9) PCBs			
		<input type="checkbox"/> (10) METALS			
		<input type="checkbox"/> (11) OTHER (specify):			

3. LIST SUBSTANCES OF GREATEST CONCERN WHICH ARE ON THE SITE (please in descending order of hazard)

1. SUBSTANCE	2. FORM (mark 'X')			3. TOXICITY (mark 'X')				4. CAS NUMBER	5. AMOUNT	6. UNIT
	a. SOLID	b. LIQ.	c. VAPOUR	a. HIGH	b. MED.	c. LOW	d. NONE			
PCB		X		X				1336-36-3		

VIII. HAZARD DESCRIPTION

FIELD EVALUATION HAZARD DESCRIPTION: Place an 'X' in the box to indicate that the listed hazard exists. Describe the hazard in the space provided.

☐ A. HUMAN HEALTH HAZARDS

VIII. HAZARD DESCRIPTION (continued)

☐ B. NON-WORKER INJURY/EXPOSURE☒ C. WORKER INJURY/EXPOSURE

Workers do not wear any protective gear and no safety procedures are evident.

☐ D. CONTAMINATION OF WATER SUPPLY☐ E. CONTAMINATION OF FOOD CHAIN☒ F. CONTAMINATION OF GROUND WATER☒ G. CONTAMINATION OF SURFACE WATER

some discharge of oily substances into Arthur Kill.

VIII. HAZARD DESCRIPTION (continued)

☐ H. DAMAGE TO FLORA/FAUNA☐ I. FISH KILL☐ J. CONTAMINATION OF AIR☐ K. NOTICEABLE ODORS☒ L. CONTAMINATION OF SOIL

large portions of the site were
saturated with oily materials.

☐ M. PROPERTY DAMAGE

VIII. HAZARD DESCRIPTION (continued)

☒ N. FIRE OR EXPLOSION

Several tanks in tank farm have been tested as having flash points below a 100°F.

☒ O. SPILLS/LEAKING CONTAINERS/RUNOFF/STANDING LIQUID

About 600 abandoned drums are stacked on the property. FIT observed pools of oily liquids outside the active buildings. Tank farm has had many previous spills and leaks. Soundness of tanks is unknown.

☒ P. SEWER, STORM DRAIN PROBLEMS

potential.

☐ Q. EROSION PROBLEMS☐ R. INADEQUATE SECURITY☐ S. INCOMPATIBLE WASTES

VIII. HAZARD DESCRIPTION (continued)

☒ T. MIDNIGHT DUMPING☒ U. OTHER (specify):

A 12 foot oval surface impoundment exists to the left of the main entrance. Unknown quantities of oily liquids were dumped here in an attempt to separate the oil and water portions. The floors of the active buildings are coated with evidence of years of oily spills and multi-colored stains. There are abandoned tanks within the building.

IX. POPULATION DIRECTLY AFFECTED BY SITE

A. LOCATION OF POPULATION	B. APPROX. NO. OF PEOPLE AFFECTED	C. APPROX. NO. OF PEOPLE AFFECTED WITHIN UNIT AREA	D. APPROX. NO. OF BUILDINGS AFFECTED	E. DISTANCE TO SITE (specify units)
1. IN RESIDENTIAL AREAS	Unknown - includes city of Elizabeth	50		1 mile
2. IN COMMERCIAL OR INDUSTRIAL AREAS				1/2
3. IN PUBLICLY TRAVELLED AREAS				1/2
4. PUBLIC USE AREAS (parks, schools, etc.)				1/2

X. WATER AND HYDROLOGICAL DATA

A. DEPTH TO GROUNDWATER (specify unit)	B. DIRECTION OF FLOW	C. GROUNDWATER USE IN VICINITY
D. POTENTIAL YIELD OF AQUIFER	E. DISTANCE TO DRINKING WATER SUPPLY (specify unit of measure)	F. DIRECTION TO DRINKING WATER SUPPLY
G. TYPE OF DRINKING WATER SUPPLY		
<input type="checkbox"/> 1. NON-COMMUNITY < 15 CONNECTIONS* <input checked="" type="checkbox"/> 2. COMMUNITY (specify town): _____ > 15 CONNECTIONS		
<input checked="" type="checkbox"/> 3. SURFACE WATER <input type="checkbox"/> 4. WELL		

X. WATER AND HYDROLOGICAL DATA (continued)

H. LIST ALL DRINKING WATER WELLS WITHIN A 1/4 MILE RADIUS OF SITE

1. WELL	2. DEPTH (specify unit)	3. LOCATION (proximity to population/buildings)	4. NON-COM- MUNITY (mark 'X')	5. COMMUN- ITY (mark 'X')

I. RECEIVING WATER

1. NAME

Arthur Kill

☐ 2. SEWERS☒ 3. STREAMS/RIVERS☐ 4. LAKES/RESERVOIRS☐ 5. OTHER (specify):

6. SPECIFY USE AND CLASSIFICATION OF RECEIVING WATERS

Commercial, industrial

XI. SOIL AND VEGETATION DATA

LOCATION OF SITE IS IN:

☐ A. KNOWN FAULT ZONE☐ B. KARST ZONE☐ C. 100 YEAR FLOOD PLAIN☐ D. WETLAND☐ E. A REGULATED FLOODWAY☐ F. CRITICAL HABITAT☐ G. RECHARGE ZONE OR SOLE SOURCE AQUIFER

XII. TYPE OF GEOLOGICAL MATERIAL OBSERVED

Mark 'X' to indicate the type(s) of geological material observed and specify where necessary, the component parts.

<input checked="" type="checkbox"/> A. OVERBURDEN	<input checked="" type="checkbox"/> B. BEDROCK (specify below)	<input checked="" type="checkbox"/> C. OTHER (specify below)
1. SAND		
2. CLAY		
3. GRAVEL		

XIII. SOIL PERMEABILITY

☒ A. UNKNOWN☐ B. VERY HIGH (100,000 to 1000 cm/sec.)☐ C. HIGH (1000 to 10 cm/sec.)☐ D. MODERATE (10 to .1 cm/sec.)☐ E. LOW (.1 to .001 cm/sec.)☐ F. VERY LOW (.001 to .00001 cm/sec.)

G. RECHARGE AREA

☐ 1. YES☒ 2. NO

3. COMMENTS:

H. DISCHARGE AREA

☒ 1. YES☐ 2. NO

3. COMMENTS:

I. SLOPE

1. ESTIMATE % OF SLOPE

0%

2. SPECIFY DIRECTION OF SLOPE; CONDITION OF SLOPE, ETC.

J. OTHER GEOLOGICAL DATA

Site is located on a level area adjacent to the Arthur Kill.

XIV. PERMIT INFORMATION

List all applicable permits held by the site and provide the related information.

A. PERMIT TYPE (e.g., RCRA, State, NPDES, etc.)	B. ISSUING AGENCY	C. PERMIT NUMBER	D. DATE ISSUED (mo., day, & yr.)	E. EXPIRATION DATE (mo., day, & yr.)	F. IN COMPLIANCE (mark 'X')		
					1. YES	2. NO	3. UN- KNOWN

XV. PAST REGULATORY OR ENFORCEMENT ACTIONS

☐ NONE☒ YES (summarize in this space)

State of New Jersey, Department of Environmental Protection. Division of Environmental Quality, Solid Waste Administration served Borne Chemical Co., Inc. with a Notice of Prosecution for violations occurring on the premises on April 21, 1980. The NJ DEP is currently attempting to place Borne on a clean-up schedule in the form of a consent order.

NOTE: Based on the information in Sections III through XV, fill out the Tentative Disposition (Section II) information on the first page of this form.

Name & Address

BORNE CHEMICAL
632 S. FRONT ST.
ELIZABETH, NJ

County

UNION

Site Number

NJ000010150

Staff Responsible

R. RAMON

Agency Responsible☐ EPA ☒ State ☐ NonePreliminary Assessment Rating

MEDIUM

Date of Assessment

10-29-80

Tentative DispositionDate of DispositionSite Inspection Requested☐ Yes ☒ NoDate of RequestDate of InspectionDate of ReportSite Inspection RatingJRB RatingSampling Requested☐ Yes ☐ NoDate of RequestDate of SamplingDate of Report

Final Strategy Determination -
(based on sampling results)

Date of DeterminationEnforcement by EPA☐ Yes ☐ NoDate of Case Development PlanEnforcement Team Leader

Technical Staff -

Legal Staff -

S&A Field Staff -

FIT Staff -

Enforcement Case Filed DateAdministrative Order Issued Date



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 1 - SITE LOCATION AND INSPECTION INFORMATION

I. IDENTIFICATION

01 STATE NJ 02 SITE NUMBER 000010150

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site) Borne Chemical Co., Inc.		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER 632 South Front Street			
03 CITY Elizabeth	04 STATE NJ	05 ZIP CODE 07207	06 COUNTY Union	07 COUNTY CODE	08 CONG DIST
09 COORDINATES LATITUDE 40 38 30 LONGITUDE 74 12 00		10 TYPE OF OWNERSHIP (Check one) <input checked="" type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL <input type="checkbox"/> F. OTHER <input type="checkbox"/> G. UNKNOWN			

III. INSPECTION INFORMATION

01 DATE OF INSPECTION 08 / 03 81 MONTH DAY YEAR		02 SITE STATUS <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE	03 YEARS OF OPERATION 1916 on UNKNOWN BEGINNING YEAR ENDING YEAR		
04 AGENCY PERFORMING INSPECTION (Check all that apply) <input checked="" type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR (Name of firm) <input type="checkbox"/> C. MUNICIPAL <input type="checkbox"/> D. MUNICIPAL CONTRACTOR (Name of firm) <input type="checkbox"/> E. STATE <input type="checkbox"/> F. STATE CONTRACTOR (Name of firm) <input type="checkbox"/> G. OTHER (Specify)					
05 CHIEF INSPECTOR Amelia J. Janisz		06 TITLE Biostatistician		07 ORGANIZATION FCHA	08 TELEPHONE NO. 201 621-6800
09 OTHER INSPECTORS Jim Shirk		10 TITLE Civil Engineer		11 ORGANIZATION "	12 TELEPHONE NO. () "
Jim Rogers		Env. Scientist		"	() "
Greg Skhuda		Chemist		"	() "
Pete Cangialosi		Env. Engineer		"	() "
					()
13 SITE REPRESENTATIVES INTERVIEWED Mr. A. J. Corona		14 TITLE Manager	15 ADDRESS Borne Chemical Co.		16 TELEPHONE NO. (201) 351-1717
Mr. Stuart Patrick		President	"		() "
Mr. Lewis Markowitz		Attorney	Epstein, Epstein, Brown, Bosek & Turndorf P O Box 634 Elizabeth, NJ 07207		(201) 354-8111
					()
					()
					()
					()
17 ACCESS GAINED BY (Check one) <input checked="" type="checkbox"/> PERMISSION <input type="checkbox"/> WARRANT		18 TIME OF INSPECTION 10:00 am		19 WEATHER CONDITIONS Overcast, 85°F, Humid	

IV. INFORMATION AVAILABLE FROM

01 CONTACT Kevin Gashlin		02 OF (Agency/Organization) NJDEP			03 TELEPHONE NO. 609 292-9877
04 PERSON RESPONSIBLE FOR SITE INSPECTION FORM Amelia J. Janisz		05 AGENCY	06 ORGANIZATION FCHA	07 TELEPHONE NO. (201) 621-6800	08 DATE 08 24 81 MONTH DAY YEAR



01 STATE 02 BITE NUMBER

01 STATE

E 02 BYTE NUMBER

II. WASTE STATES, QUANTITIES, AND CHARACTERISTICS

01 PHYSICAL STATES <i>(Check all that apply)</i> <input type="checkbox"/> A. SOLID <input type="checkbox"/> B. POWDER, FINES <input checked="" type="checkbox"/> C. SLUDGE <input type="checkbox"/> D. OTHER _____ <i>(Specify)</i>	02 WASTE QUANTITY AT SITE <i>(Measures of waste quantity must be independent)</i> TONS _____ CUBIC YARDS _____ NO. OF DRUMS <u>~ 600</u>	03 WASTE CHARACTERISTICS <i>(Check all that apply)</i> <input checked="" type="checkbox"/> A. TOXIC <input checked="" type="checkbox"/> B. CORROSIVE <input checked="" type="checkbox"/> C. RADIOACTIVE <input type="checkbox"/> D. PERSISTENT <input type="checkbox"/> E. SOLUBLE <input type="checkbox"/> F. INFECTIOUS <input type="checkbox"/> G. FLAMMABLE <input checked="" type="checkbox"/> H. IGNITABLE <input type="checkbox"/> I. HIGHLY VOLATILE <input type="checkbox"/> J. EXPLOSIVE <input type="checkbox"/> K. REACTIVE <input type="checkbox"/> L. INCOMPATIBLE <input type="checkbox"/> M. NOT APPLICABLE
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III. WASTE TYPE

CATEGORY	SUBSTANCE NAME	01 GROSS AMOUNT	02 UNIT OF MEASURE	03 COMMENTS
SLU	SLUDGE			
OLW	OILY WASTE	> 468,000	gallons	This only includes 10 tanks
SOL	SOLVENTS			out of 23 on the tank farm. It
PSD	PESTICIDES			is Borne's estimate of the total
OCC	OTHER ORGANIC CHEMICALS			materials in these 10 tanks.
IOC	INORGANIC CHEMICALS			The oily wastes may include
ACD	ACIDS			any of the other waste types.
BAS	BASES			
MES	HEAVY METALS			

IV. HAZARDOUS SUBSTANCES (See Appendix for most frequently cited CAS Numbers)

[illegible]

V. FEEDSTOCKS (See Appendix for CAS Numbers)

CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER	CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER
FDS			FDS		
FDS			FDS		
FDS	N/A		FDS	N/A	
FDS			FDS		

VI. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

State files - New Jersey; sample analysis - Caleb Brett, 1428 E. Elizabeth Avenue, Linden, N.J. 07036; sample analysis -Case Consulting Laboratories, Inc. 622 Route 10, Whippany, N.J. 07981.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT

PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

IDENTIFICATION

01 STATE 02 SITE NUMBER

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 ☒ A. GROUNDWATER CONTAMINATION 02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

Likely - High groundwater table according to the plant manager.

01 ☒ B. SURFACE WATER CONTAMINATION 02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

Likely - there is some discharge of oily substances into the Arthur Kill by 2 (4" and 18" diameter) storm drain pipes apparently coming from the property.

01 ☒ C. CONTAMINATION OF AIR 02 ☐ OBSERVED (DATE:) ☐ POTENTIAL ☐ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

Unknown - adjacent sewage treatment plant would mask any point source of chemical contamination from this site.

01 ☒ D. FIRE/EXPLOSIVE CONDITIONS 02 ☐ OBSERVED (DATE:) ☐ POTENTIAL ☒ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

Several tanks in the tank farm have been tested as having flash points below a 100 F.

01 ☐ E. DIRECT CONTACT 02 ☐ OBSERVED (DATE:) ☐ POTENTIAL ☐ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

None

01 ☒ F. CONTAMINATION OF SOIL 02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED
03 AREA POTENTIALLY AFFECTED: 4 (Acres) 04 NARRATIVE DESCRIPTION

Large portions of the site were saturated with oily materials - especially around the active buildings and the tank farm. A large tank in the middle of the site is surrounded by multicolored stained soils.

01 ☐ G. DRINKING WATER CONTAMINATION 02 ☐ OBSERVED (DATE:) ☐ POTENTIAL ☐ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

unknown

01 ☒ H. WORKER EXPOSURE/INJURY 02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED
03 WORKERS POTENTIALLY AFFECTED: 25 04 NARRATIVE DESCRIPTION

Workers do not wear any protective gear and no safety procedures are in evidence.

01 ☒ I. POPULATION EXPOSURE/INJURY 02 ☐ OBSERVED (DATE:) ☐ POTENTIAL ☒ ALLEGED
03 POPULATION POTENTIALLY AFFECTED: 04 NARRATIVE DESCRIPTION

Possible, if tanks explode



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

L IDENTIFICATION
01 STATE 02 SITE NUMBER

B. HAZARDOUS CONDITIONS AND INCIDENTS (Continue)

01 ☒ J. DAMAGE TO FLORA
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED

Not evident. The site is heavily used by trucks and railroad cars so not much vegetation is present.

01 ☐ K. DAMAGE TO FAUNA
04 NARRATIVE DESCRIPTION (include name(s) of species)

02 ☒ OBSERVED (DATE: 8/3/81) ☐ POTENTIAL ☐ ALLEGED

Not evident.

01 ☒ L. CONTAMINATION OF FOOD CHAIN
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81) ☐ POTENTIAL ☐ ALLEGED

Unknown - There is some discharge of oily substances via 2 pipes into the Arthur Kill. This river is classified TW-3 and is considered suitable for secondary contact (boating) maintenance of fish populations, migration of anadromous fish, & other reasonable uses.

01 ☒ M. UNSTABLE CONTAINMENT OF WASTES
(Spills/Runoff/Standing liquids, Leaking drums)

02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED:

04 NARRATIVE DESCRIPTION

About 600 drums abandoned by Rolfite are stacked on the property. FIT observed pools of oily liquids outside the active buildings and saw a drum accidentally punctured by the fork lift operator.

01 ☐ N. DAMAGE TO OFFSITE PROPERTY
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81) ☐ POTENTIAL ☐ ALLEGED

Not apparent

01 ☒ O. CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81) ☒ POTENTIAL ☐ ALLEGED

Sewers on-site were not inspected for evidence of discharges. Apparent storm drain pipes exit into the Arthur Kill from the seawall. An oily sheen was noted on the water near the pipes.

01 ☒ P. ILLEGAL/UNAUTHORIZED DUMPING
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☒ ALLEGED

According to Mr. Patrick, Company President, Coastal Services had previously made midnight runs onto the property to unload unknown quantities of chemicals possibly including dumping into the tanks.

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

A 12 foot oval surface impoundment exists to the left of the main entrance. Unknown quantities of oily liquids were dumped here in an attempt to separate the oil and water portions.

UI. TOTAL POPULATION POTENTIALLY AFFECTED: 50 within 1 mile

IV. COMMENTS

The floors of the active buildings are coated with evidence of years of oily spills and multi-colored stains. There are abandoned tanks within the buildings.

V. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

State files - NJDEP; Observed.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART S - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA

IDENTIFICATION

01 STATE 02 SITE NUMBER

II. DRINKING WATER SUPPLY

01 TYPE OF DRINKING SUPPLY
(Check as applicable)

SURFACE WELL
COMMUNITY A. ☒ 80% B. ☒ 20%
NON-COMMUNITY C. ☐ D. ☐

02 STATUS

ENDANGERED AFFECTED MONITORED
A. ☐ B. ☐ C. ☒
D. ☐ E. ☐ F. ☐

03 DISTANCE TO SITE

A. 5 (mi)
B. (mi)

III. GROUNDWATER

01 GROUNDWATER USE IN VICINITY (Check one)

☐ A. ONLY SOURCE FOR DRINKING ☐ B. DRINKING
(Other sources available)
COMMERCIAL, INDUSTRIAL, IRRIGATION
(No other water sources available)
☐ C. COMMERCIAL, INDUSTRIAL, IRRIGATION
(Limited other sources available) ☒ D. NOT USED, UNUSEABLE

02 POPULATION SERVED BY GROUND WATER

03 DISTANCE TO NEAREST DRINKING WATER WELL (mi)

04 DEPTH TO GROUNDWATER

unknown (ft)

05 DIRECTION OF GROUNDWATER FLOW

unknown

06 DEPTH TO AQUIFER
OF CONCERN

unknown (ft)

07 POTENTIAL YIELD
OF AQUIFER

unknown (gpd)

08 SOLE SOURCE AQUIFER

☐ YES ☐ NO

09 DESCRIPTION OF WELLS (including usage, depth, and location relative to population and buildings)

10 RECHARGE AREA

☐ YES COMMENTS
☒ NO

11 DISCHARGE AREA

☒ YES COMMENTS
☐ NO

IV. SURFACE WATER

01 SURFACE WATER USE (Check one)

☐ A. RESERVOIR, RECREATION
DRINKING WATER SOURCE ☐ B. IRRIGATION, ECONOMICALLY
IMPORTANT RESOURCES ☒ C. COMMERCIAL, INDUSTRIAL ☐ D. NOT CURRENTLY USED

02 AFFECTED/POTENTIALLY AFFECTED BODIES OF WATER

NAME:

Arthur Kill

AFFECTED

DISTANCE TO SITE

☒ Immediate (mi)
☐ (mi)
☐ (mi)

V. DEMOGRAPHIC AND PROPERTY INFORMATION

01 TOTAL POPULATION WITHIN

ONE (1) MILE OF SITE
A. 50
NO. OF PERSONS

TWO (2) MILES OF SITE
B. City of Elizabeth
NO. OF PERSONS N.J.

THREE (3) MILES OF SITE
C. unknown
NO. OF PERSONS

02 DISTANCE TO NEAREST POPULATION

Immediate (mi)

03 NUMBER OF BUILDINGS WITHIN TWO (2) MILES OF SITE

unknown

04 DISTANCE TO NEAREST OFF-SITE BUILDING

Immediate (mi)

05 POPULATION WITHIN VICINITY OF SITE (Provide narrative description of nature of population within vicinity of site, e.g., rural, village, densely populated urban area)

There is oil refinery immediately to the north of the property close to the tank farm. To the south of the site, there is a large manufacturing plant. West of the site, there are private single and row houses containing probably not more than 50 people.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION
PART 4 - PERMIT AND DESCRIPTIVE INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. PERMIT INFORMATION

01 TYPE OF PERMIT ISSUED (Check all that apply)	02 PERMIT NUMBER	03 DATE ISSUED	04 EXPIRATION DATE	05 COMMENTS
<input type="checkbox"/> A. NPOES				
<input type="checkbox"/> B. UIC				
<input type="checkbox"/> C. AIR				
<input type="checkbox"/> D. RCRA				
<input type="checkbox"/> E. RCRA INTERIM STATUS				
<input type="checkbox"/> F. SPCC PLAN	Borne has submitted 5 year/SPCC plans; the EPA has not given these plans final approval.			
<input type="checkbox"/> G. STATE (Specify)				
<input type="checkbox"/> H. LOCAL (Specify)				
<input type="checkbox"/> I. OTHER (Specify)				
<input type="checkbox"/> J. NONE				

III. SITE DESCRIPTION

01 STORAGE/DISPOSAL (Check all that apply)	02 AMOUNT	03 UNIT OF MEASURE	04 TREATMENT (Check all that apply)	05 OTHER
<input checked="" type="checkbox"/> A. SURFACE IMPOUNDMENT	unknown		<input type="checkbox"/> A. WGENERATION	<input checked="" type="checkbox"/> A. BUILDINGS ON SITE
<input type="checkbox"/> B. PILES			<input type="checkbox"/> B. UNDERGROUND INJECTION	
<input checked="" type="checkbox"/> C. DRUMS, ABOVE GROUND	600		<input type="checkbox"/> C. CHEMICAL/PHYSICAL	
<input checked="" type="checkbox"/> D. TANK, ABOVE GROUND	468,000		<input type="checkbox"/> D. BIOLOGICAL	6
<input type="checkbox"/> E. TANK, BELOW GROUND			<input type="checkbox"/> E. WASTE OIL PROCESSING	
<input type="checkbox"/> F. LANDFILL			<input type="checkbox"/> F. SOLVENT RECOVERY	06 AREA OF SITE
<input type="checkbox"/> G. LANDFARM			<input type="checkbox"/> G. OTHER RECYCLING/RECOVERY	6 (Acres)
<input type="checkbox"/> H. OPEN DUMP			<input type="checkbox"/> H. OTHER (Specify)	
<input checked="" type="checkbox"/> I. OTHER pipes (Specify)	below ground		None	

07 COMMENTS

Tank farm has had many previous spills and leaks. Soundness of the tanks is unknown. Underground pipes run from the tank farm to the active buildings where the connections are now broken.

IV. CONTAINMENT

01 CONTAINMENT OF WASTES (Check one)	<input checked="" type="checkbox"/> unknown
<input type="checkbox"/> A. ADEQUATE, SECURE	<input type="checkbox"/> B. MODERATE
<input type="checkbox"/> C. INADEQUATE, POOR	<input type="checkbox"/> D. INSECURE, UNSOUND, DANGEROUS

02 DESCRIPTION OF DRUMS, DIKING, LINERS, BARRIERS, ETC.

There are approximately 600 abandoned drums on the property. The surface impoundment is a pool of oily sludge and dirt; no liners or barriers exist there. The tank farm is surrounded by an earth dike; no liner is present underneath. The tanks themselves may or may not be secure.

V. ACCESSIBILITY

01 WASTE EASILY ACCESSIBLE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
02 COMMENTS Borne Chemical has securely and adequately fenced the entire site. Entry on and off-site is supervised by a guard stationed at the only entrance.

VI. SOURCES OF INFORMATION (Check specific references, e.g. state fees, satellite analysis, reports)

Observed; Mr. Corona, Plant Manager



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA

1 IDENTIFICATION

01 STATE 02 SITE NUMBER

VI. ENVIRONMENTAL INFORMATION

01 PERMEABILITY OF UNSATURATED ZONE (Check one)

Unknown=

☐ A. $10^{-6} - 10^{-8}$ cm/sec ☐ B. $10^{-4} - 10^{-6}$ cm/sec ☐ C. $10^{-4} - 10^{-3}$ cm/sec ☐ D. GREATER THAN 10^{-6} cm/sec

02 PERMEABILITY OF BEDROCK (Check one)

☐ A. IMPERMEABLE
(Less than 10^{-6} cm/sec) ☒ B. RELATIVELY IMPERMEABLE
($10^{-4} - 10^{-6}$ cm/sec) ☐ C. RELATIVELY PERMEABLE
($10^{-2} - 10^{-4}$ cm/sec) ☐ D. VERY PERMEABLE
(Greater than 10^{-2} cm/sec)

03 DEPTH TO BEDROCK

unknown (ft)

04 DEPTH OF CONTAMINATED SOIL ZONE

unknown (ft)

05 SOIL pH

unknown

06 NET PRECIPITATION

15 (in)

07 ONE YEAR 24 HOUR RAINFALL

unknown (in)

08 SLOPE

SITE SLOPE
0 %

DIRECTION OF SITE SLOPE
N/A

TERRAIN AVERAGE SLOPE
N/A %

09 FLOOD POTENTIAL

SITE IS IN unknown YEAR FLOODPLAIN

10

☐ SITE IS ON BARRIER ISLAND, COASTAL HIGH HAZARD AREA, RIVERINE FLOODWAY

11 DISTANCE TO WETLANDS (5 acre minimum)

ESTUARINE

unknown
OTHER

A. (mi)

B. (mi)

12 DISTANCE TO CRITICAL HABITAT (of endangered species)

N/A (mi)

ENDANGERED SPECIES:

13 LAND USE IN VICINITY

DISTANCE TO:

COMMERCIAL/INDUSTRIAL

RESIDENTIAL AREAS, NATIONAL/STATE PARKS,
FORESTS, OR WILDLIFE RESERVES

AGRICULTURAL LANDS
PRIME AG LAND AG LAND

Immediate

A. (mi)

B. N/A (mi)

C. N/A (mi)

D. N/A (mi)

14 DESCRIPTION OF SITE IN RELATION TO SURROUNDING TOPOGRAPHY

Site is located on a level area adjacent to the Arthur Kill.

VII. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Observed; Geologic Map of New Jersey



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 6 - SAMPLE AND FIELD INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. SAMPLES TAKEN

SAMPLE TYPE	01 NUMBER OF SAMPLES TAKEN	02 SAMPLES SENT TO	03 ESTIMATED DATE RESULTS AVAILABLE
GROUNDWATER			
SURFACE WATER			
WASTE			
AIR			
RUNOFF		N/A	
SPIII			
SOIL			
VEGETATION			
OTHER			

III. FIELD MEASUREMENTS TAKEN

01 TYPE	02 COMMENTS
	N/A

IV. PHOTOGRAPHS AND MAPS

01 TYPE <input checked="" type="checkbox"/> GROUND <input type="checkbox"/> AERIAL	02 IN CUSTODY OF <u>Amelia J. Janisz, FCHA</u> <small>(Name of organization or individual)</small>
03 MAPS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	04 LOCATION OF MAPS <u>Topographic map of site; sketch map - attached.</u>

V. OTHER FIELD DATA COLLECTED (Provide narrative description)

N/A

VI. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Observed



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 7 - OWNER INFORMATION

2. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. CURRENT OWNER(S)				PARENT COMPANY (if applicable)			
01 NAME Borne Chemical Co. Inc.		02 D+B NUMBER		08 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 632 S. Front Street		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY Elizabeth		06 STATE NJ	07 ZIP CODE 07207	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		08 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		08 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		08 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
III. PREVIOUS OWNER(S) (List most recent first)				IV. REALTY OWNER(S) (if applicable; list most recent first)			
01 NAME Same as above		02 D+B NUMBER		01 NAME Same as above		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
01 NAME N/A		02 D+B NUMBER		01 NAME N/A		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
01 NAME N/A		02 D+B NUMBER		01 NAME N/A		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
V. SOURCES OF INFORMATION (Cite specific references, e.g., state files, article analysis, reports)							
Mr. Stuart Patrick, President, Borne Chemical Co.							



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 8 - OPERATOR INFORMATION**

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. CURRENT OPERATOR (Provide if different from owner)

OPERATOR'S PARENT COMPANY (If applicable)

01 NAME Borne Chemical Co., Inc.			02 D+B NUMBER			10 NAME Same			11 D+B NUMBER								
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 632 S. Front Street			04 SIC CODE			12 STREET ADDRESS (P.O. Box, RFD #, etc.)			13 SIC CODE								
05 CITY Elizabeth,			06 STATE NJ			07 ZIP CODE 07207			14 CITY			15 STATE			16 ZIP CODE		
08 YEARS OF OPERATION 1979 on			09 NAME OF OWNER Stuart Patrick														

III. PREVIOUS OPERATOR(S) (List most recent first; provide only if different from owner)

PREVIOUS OPERATORS' PARENT COMPANIES (If applicable)

01 NAME Same			02 D+B NUMBER			10 NAME N/A			11 D+B NUMBER								
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE			12 STREET ADDRESS (P.O. Box, RFD #, etc.)			13 SIC CODE								
05 CITY			06 STATE			07 ZIP CODE			14 CITY			15 STATE			16 ZIP CODE		
08 YEARS OF OPERATION 1959-1979			09 NAME OF OWNER DURING THIS PERIOD Ed Kaye														
01 NAME N/A			02 D+B NUMBER			10 NAME N/A			11 D+B NUMBER								
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE			12 STREET ADDRESS (P.O. Box, RFD #, etc.)			13 SIC CODE								
05 CITY			06 STATE			07 ZIP CODE			14 CITY			15 STATE			16 ZIP CODE		
08 YEARS OF OPERATION			09 NAME OF OWNER DURING THIS PERIOD														
01 NAME N/A			02 D+B NUMBER			10 NAME N/A			11 D+B NUMBER								
03 STREET ADDRESS (P.O. Box, RFD #, etc.)			04 SIC CODE			12 STREET ADDRESS (P.O. Box, RFD #, etc.)			13 SIC CODE								
05 CITY			06 STATE			07 ZIP CODE			14 CITY			15 STATE			16 ZIP CODE		
08 YEARS OF OPERATION			09 NAME OF OWNER DURING THIS PERIOD														

IV. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Mr. Stuart Patrick, President, Borne Chemical Co., Inc.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 9 - GENERATOR/TRANSPORTER INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. ON-SITE GENERATOR

01 NAME None	02 D+B NUMBER		
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE		
05 CITY	06 STATE	07 ZIP CODE	

III. OFF-SITE GENERATOR(S)

01 NAME Clean Venture, Inc.	02 D+B NUMBER	01 NAME A-Line	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.) P.O. Box 418	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.) Unknown	04 SIC CODE
05 CITY Linden	06 STATE NJ	07 ZIP CODE 07036	05 CITY 06 STATE 07 ZIP CODE
01 NAME Coastal Services, Inc.	02 D+B NUMBER	01 NAME Rolfite Co.	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.) 300 Broad Street	04 SIC CODE
05 CITY New Brunswick	06 STATE NJ	07 ZIP CODE	05 CITY Stamford 06 STATE CT 07 ZIP CODE 06901

IV. TRANSPORTER(S)

01 NAME Unknown	02 D+B NUMBER	01 NAME N/A	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	05 CITY 06 STATE 07 ZIP CODE
01 NAME N/A	02 D+B NUMBER	01 NAME N/A	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	05 CITY 06 STATE 07 ZIP CODE

V. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Mr. Stuart Patrick, President, Borne Chemical Co. Inc.; State files - NJDEP



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

L IDENTIFICATION

01 STATE 02 BITE NUMBER

II. PAST RESPONSE ACTIVITIES

01 ☐ A. WATER SUPPLY CLOSED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ B. TEMPORARY WATER SUPPLY PROVIDED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ C. PERMANENT WATER SUPPLY PROVIDED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ D. SPILLED MATERIAL REMOVED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ E. CONTAMINATED SOIL REMOVED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ F. WASTE REPACKAGED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☒ G. WASTE DISPOSED ELSEWHERE
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

Approximately 1,000 drums of miscellaneous waste stored on the property have been removed by the respective owners.

01 ☐ H. ON SITE BURIAL
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ I. IN SITU CHEMICAL TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ J. IN SITU BIOLOGICAL TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ K. IN SITU PHYSICAL TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ L. ENCAPSULATION
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ M. EMERGENCY WASTE TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ N. CUTOFF WALLS
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ O. EMERGENCY DIKING/SURFACE WATER DIVERSION
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ P. CUTOFF TRENCHES/SUMP
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ Q. SUBSURFACE CUTOFF WALL
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

L IDENTIFICATION

01 STATE 02 SITE NUMBER

II PAST RESPONSE ACTIVITIES (Continued)

01 ☐ R. BARRIER WALLS CONSTRUCTED
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ S. CAPPING/COVERING
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ T. BULK TANKAGE REPAIRED
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ U. GROUT CURTAIN CONSTRUCTED
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ V. BOTTOM SEALED
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ W. GAS CONTROL
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ X. FIRE CONTROL
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ Y. LEACHATE TREATMENT
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ Z. AREA EVACUATED
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☒ 1. ACCESS TO SITE RESTRICTED
04 DESCRIPTION

02 DATE

03 AGENCY

Present management fenced the entire site and restricts access to one guarded gate.

01 ☐ 2. POPULATION RELOCATED
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

01 ☐ 3. OTHER REMEDIAL ACTIVITIES
04 DESCRIPTION

02 DATE

03 AGENCY

N/A

III. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Observed; State files - NJDEP



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 11 - ENFORCEMENT INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. ENFORCEMENT INFORMATION

01 PAST REGULATORY/ENFORCEMENT ACTION ☒ YES ☐ NO

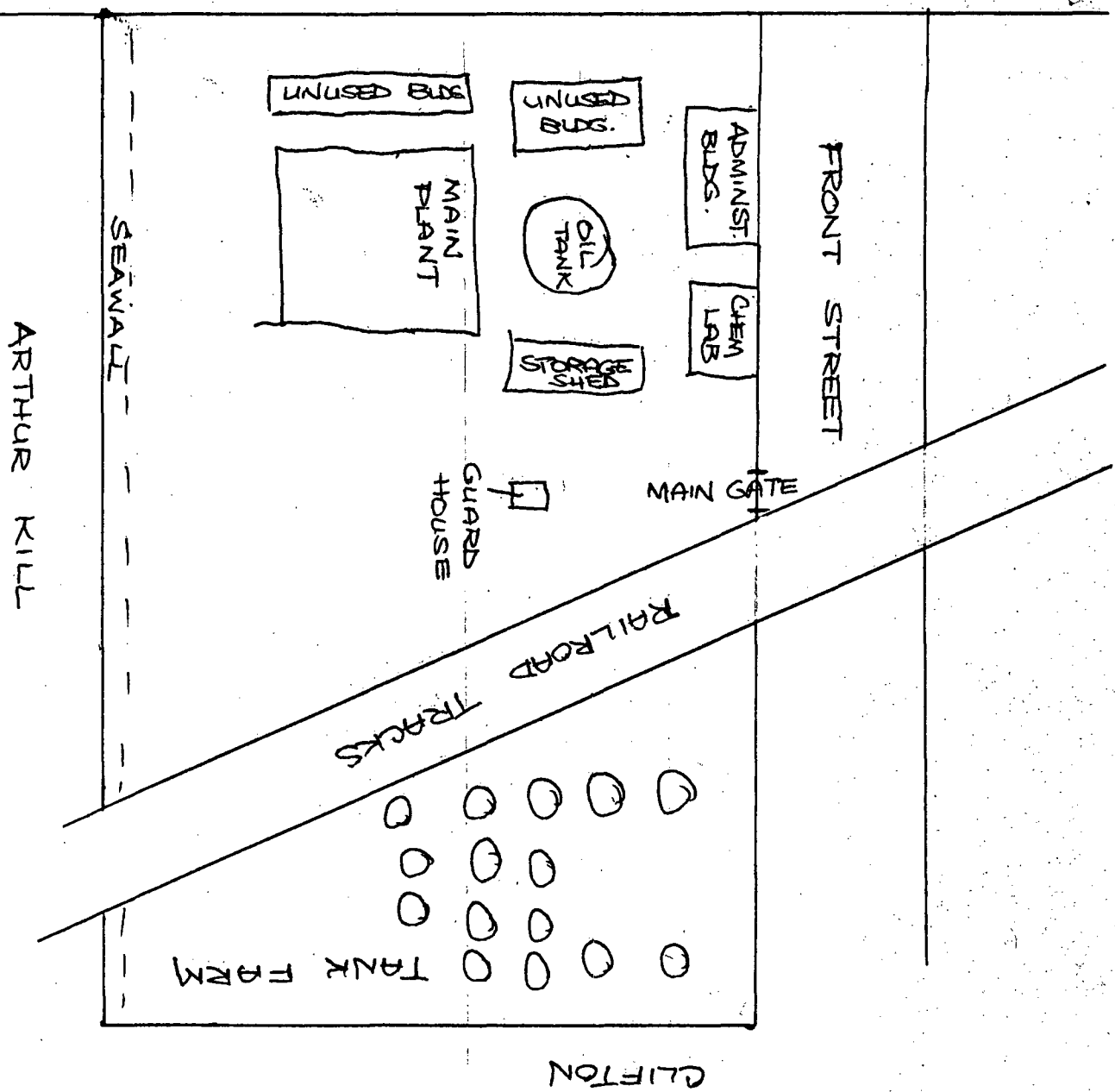
02 DESCRIPTION OF FEDERAL, STATE, LOCAL REGULATORY/ENFORCEMENT ACTION

State of New Jersey, Department of Environmental Protection, Division of Environmental Quality, Solid Waste Administration served Borne Chemical Co. Inc. with a Notice of Prosecution for violations occurring on the premises on April 21, 1980. The NJ DEP is currently attempting to place Borne on a clean-up schedule in the form of a consent order.

III. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

State files - NJDEP

GOETHALS BRIDGE



BORNE CHEMICAL CO.
ELIZABETH, N.J.

FRED C. HART ASSOC. INC.
8/24/81

MAR 2 1981
Spive
[Signature]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

MAR 2 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. A. J. Corona
General Manager
Borne Chemical Company, Inc.
632 Front Street
Elizabeth, New Jersey 07207

Re: Notice of Violation of 40 C.F.R.
Part 112 (1979) EPA Docket No.
OH-II-81-1

Dear Mr. Corona:

The United States Environmental Protection Agency has reason to believe that your facility is in violation of the Oil Pollution Prevention Regulations, 40 C.F.R. Part 112 (1979).

Enclosed are two duplicate originals of a Notice of Violation which has been issued pursuant to section 311(j)(1)(C) of the Clean Water Act, 33 U.S.C. §1321 (j)(1)(C)(1978). By this Notice of Violation the United States Environmental Protection Agency is giving you formal notification that Borne Chemical Company has been charged with violating the Clean Water Act by failing to comply with 40 C.F.R. Part 112 (1979). Please note that proceedings under this Notice of Violation are governed by the regulations contained in 40 C.F.R. Part 114 (1979).

Kindly acknowledge receipt of this Notice of Violation in the space provided on the blueback cover of one copy, and return that copy to my attention no later than 5 (FIVE) business days from your receipt of this letter.

EPA looks forward to your cooperation in resolving this matter.

Sincerely yours,

Charles S. Warren
Charles S. Warren
Regional Administrator

Enclosure: Notice of Violation (2 copies)

cc: Honorable D. Joseph DeVito
Bankruptcy Judge
United States Post Office
and Courthouse
Federal Square
Newark, New Jersey 07102 (w/encl.)

Lewis M. Markowitz, Esq.
Epstein, Epstein, Brown,
Bosek and Turndorf
P.O. Box 634
33 West Grant Street
Elizabeth, New Jersey 07207 (w/encl.)

Frank J. Vecchione, Esq.
Crummy, Del Dio, Dolan,
and Purcell
Gateway One
Newark, New Jersey 07102 (w/encl.)

Mr. Thomas Leonard, Supervisor
Engineering Review and Survey Section
Office of Hazardous Substances Control
New Jersey Department of
Environmental Protection
Division of Pure Waters
Trenton, New Jersey 08625 (w/encl.)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 Federal Plaza
New York, New York 10278

----- -x
In the Matter of :
 :
Borne Chemical Company, Inc. :
Elizabeth, New Jersey :
 :
Violation of the Oil Pollution :
Prevention Regulations promulgated :
pursuant to section 311(j)(1)(C) :
of the Clean Water Act, 33 U.S.C. :
§1321(j)(1)(C)(1978) :
----- -x

NOTICE OF VIOLATION

EPA Docket No. OH-II-81-1

NOTICE OF VIOLATION

THIS IS TO NOTIFY YOU that the United States Environmental Protection Agency (EPA) has reason to believe that Borne Chemical Company (Respondent), with offices located at 632 Front Street, Elizabeth, New Jersey, 07207, has violated the Oil Pollution Prevention Regulations, 40 C.F.R. Part 112 (1979). These regulations were promulgated pursuant to section 311(j)(1)(C) of the Clean Water Act, 33 U.S.C. §1321(j)(1)(C)(1978). EPA has reason to believe that Respondent has violated 40 C.F.R. Part 112 (1979) by committing the following violation or violations at its facilities located at the above address:

1. failing to prepare and maintain at its above-specified facilities a Spill Prevention Control and Countermeasure (SPCC) Plan as required by 40 C.F.R. §112.3 (1979).
2. failing to have the SPCC Plan for its above-specified facilities certified by a Registered Professional Engineer (P.E.) as required by 40 C.F.R. §112.3 (1979).
3. failing to fully implement at its above-specified facilities an SPCC Plan as required by 40 C.F.R. §112.3 (1979).
4. failing to maintain a complete copy of the SPCC Plan at its above-specified facilities as required by 40 C.F.R. §112.3 (1979).

5. failing to submit information to the EPA, as required by 40 C.F.R. §112.4 (1979), after a spill at its above-specified facilities.

6. failing to amend the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.4 (1979), after a spill.

7. failing to Implement an amendment to the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.4 (1979), after a spill.

8. failing to amend the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.5 (1979), after a change in facility design, construction, operation, or maintenance.

9. failing to implement amendments to the SPCC Plan for its above-specified facilities, as required by 40 C.F.R. §112.5 (1979) after a change in facility design, construction, operation, or maintenance.

10. failing to review the SPCC Plan for its above-specified facilities every three years, as required by 40 C.F.R. §112.5 (1979).

11. failing to amend the SPCC Plan for its above-specified facilities after a three-year review, as required by 40 C.F.R. §112.5 (1979).

12. failing to have an amendment to the SPCC Plan for its above-specified facilities certified by a Professional Engineer, as required by 40 C.F.R. §112.5 (1979).

CIVIL PENALTY

Section 311(j)(2) of the Clean Water Act, 33 U.S.C. §1321(j)(2)(1978), and 40 C.F.R. §112.6 (1979) provide that violation of 40 C.F.R. Part 112 (1979) gives rise to liability for a civil penalty.

WHEREFORE, on the basis of the facts presently before the EPA, a civil penalty is hereby proposed to be assessed against Respondent in the amount of \$50,000 (FIFTY THOUSAND DOLLARS).

NOTICE OF OPPORTUNITY FOR A HEARING

Within 30 (THIRTY) days of receipt of this Notice of Violation, Respondent may, pursuant to 40 C.F.R. §114.5 (1979), request a hearing by submitting a written request, signed by a duly authorized officer, director, agent, or attorney, to the Regional Administrator, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10278. The request for a

hearing shall state the name and address of the person requesting the hearing, enclose a copy of this Notice of Violation, and state with particularity the issues to be raised at the hearing. If the request complies with the requirements of 40 C.F.R. §114.5 (1979), a hearing will be scheduled at the earliest possible date at a time and location set by EPA after consulting with Respondent. The hearing will be conducted in accordance with 40 C.F.R. §114.9 (1979). Respondent may be represented by counsel at the hearing.

Within 30 (THIRTY) days after the conclusion of the hearing, the Presiding Officer shall issue findings, including the amount of the civil penalty assessed, where appropriate. A copy of the Presiding Officer's decision shall be sent to Respondent. The decision of the Presiding Officer shall become the final decision of EPA unless Respondent appeals the decision to the Administrator within 15 (FIFTEEN) days from receipt of such decision. Any appeal must follow the format set forth in 40 C.F.R. §114.11(b)(1979). In rendering a decision, the Administrator may adopt, modify, or set aside the decision of the Presiding Officer. If no appeal is made, the decision of the Presiding Officer constitutes the Final Order. If an appeal is made, the decision of the Administrator constitutes the Final Order.

If the Final Order includes a civil penalty, such penalty shall be payable within 30 (THIRTY) days of receipt of the Final Order. The penalty shall be paid by check payable to the order of the United States Coast Guard, and shall be mailed to the Director, Enforcement Division, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10278.

MITIGATION OF CIVIL PENALTY

Prior to requesting a hearing, Respondent may, within 30 (THIRTY) days of receipt of this Notice, submit to EPA written explanations, information, or other materials in answer to the charges made, in mitigation of the penalty proposed, or bearing on its efforts to achieve compliance after notification of the violation. If the information submitted includes actions to be taken in the future, Respondent shall submit a written statement, signed by a duly authorized officer, director, agent, or attorney, committing itself to take such measures in as short a time as possible. Such a commitment shall include a proposed schedule of compliance including a statement of the commitment of the necessary resources. Any written explanations, information, or other materials submitted shall be sent to the Director, Enforcement Division, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10278. The amount of the proposed penalty will be reconsidered on the basis of any information received, and a revised proposed civil penalty for violation of the Oil Pollution Prevention Regulations may be issued if it is determined that a penalty in a different amount is appropriate. If it is determined that the originally proposed penalty should not be changed, Respondent will be so informed.

SETTLEMENT CONFERENCE

At any time prior to a hearing, or if no hearing is requested, within 30 (THIRTY) days after receipt of this Notice, Respondent may confer with EPA concerning either the violation noticed herein or the amount of penalty proposed. Should any such conference result in an agreement, that agreement shall be issued as a written Order on Consent by the Regional Administrator, Region II, EPA, and such document shall be referred to as a Settlement Agreement. The issuance of such a Settlement Agreement shall constitute a waiver of Respondent's right to contest through further administrative proceedings any matter stipulated in the Agreement.

SPCC PUBLIC FILE

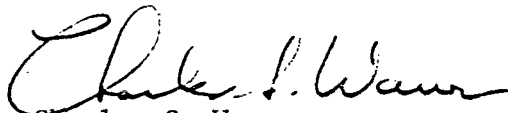
EPA Region II maintains a public spill prevention file at its offices located at 26 Federal Plaza, New York, N.Y. 10278, in Room 432. This file contains hearing decisions rendered by EPA, both regionally and on appeal to the Administrator, as well as current spill prevention regulations and pertinent memoranda issued from time to time by EPA Headquarters, Washington, D.C. To request access to this file, contact Dr. Richard A. Baker, Chief, Permits Administration Branch, Management Division, at the above address or by telephone at (212) 264-9881.

FURTHER INFORMATION

If you wish to discuss this Notice or if you have any questions concerning this Notice, contact Coles H. Phinizy, Jr., Esq., Attorney, Water Enforcement Branch, EPA Region II, 26 Federal Plaza, New York, N.Y. 10278, telephone number (212) 264-9896/9836.

The failure of the Respondent to respond to this Notice of Violation as prescribed above or to request a hearing will result in a district court action by the United States to collect the full amount of the penalty proposed for this violation. Your commitment to correct deficiencies and to comply with 40 C.F.R. Parts 110 to 114 (1979) is to your advantage.

Signed this ^{26th} day of
February, 1981


Charles S. Warren
Regional Administrator
United States Environmental
Protection Agency
Region II

SINCE 1874

BORNE CHEMICAL COMPANY, INC.

Elizabeth, N. J. 07207

201-331-1717 N.Y. 212-732-3070

TELEX - 139183

NOVEMBER 13, 1980

N.J. DEPT. OF ENVIRONMENTAL PROTECTION
SOLID WASTE ADMINISTRATION
32 EAST HANOVER STREET
TRENTON, NJ 08625

ATTN: MR. KEVIN GASHLIN, ENVIRONMENTAL SPECIALIST

DEAR MR. GASHLIN:

MR. PATRICK ASKED ME TO FORWARD TO YOUR ATTENTION THE CALEB BRETT ANALYSIS REPORT THAT HE HAD PROMISED TO SEND YOU. THIS REPORT IS ENCLOSED FOR YOUR RECORDS.

VERY TRULY YOURS,


HERBERT BRUNNWASSER
VICE PRESIDENT, FINANCE

HB/BHB

ENC.

CC: S. K. PATRICK
LEWIS MARKOWITZ, ESQ.



CHAIN OF CUSTODY RECORD

New Jersey Department of Environmental Protection
Bureau of Hazardous Waste
32 East Hanover Street
Trenton, New Jersey 08625

Name of Unit and Address:		
Sample Number	Number of Containers	Description of Samples
11174	1	One full 1/2 pint plastic container containing a black oily liquid.
11175	1	One full pint plastic container containing a black oily liquid.
11176	1	One 3/4 full quart glass container containing a black oily liquid.
11177	1	One 1/2 full quart glass container containing a black oily liquid with black oily residue floating on top.
11178	1	One 3/4 full quart glass container containing a black oily liquid.
11179	1	One 1/2 full quart glass container containing a black oily liquid.

lost 1 item

Person Assuming Responsibility for Sample:		Time	Date
Alphonse Iannuzzi Jr.		1210	1/1/81

Sample Number	Relinquished By:	Received By:	Time	Date	Reason for Change of Custody
11174	Alphonse Iannuzzi Jr.	WAYNE HOWITZ	1145	01/08/81	Transfer
11175	Alphonse Iannuzzi Jr.	Wayne Howitz			
11176	Wayne Howitz	Thomas Satter	1205	1/2/81	Deliver to lab
11177	Wayne Howitz	Thomas Satter			
11178	THOMAS SATTER	BILL ZIEGLER	2:00	1/2/81	Analysis
11179	Thomas Satter	Bill Ziegler			
11180	BILL ZIEGLER	LEE CRAMER	2:30	1/22/81	Analysis
11181	Bill Ziegler	Lee Cramer			

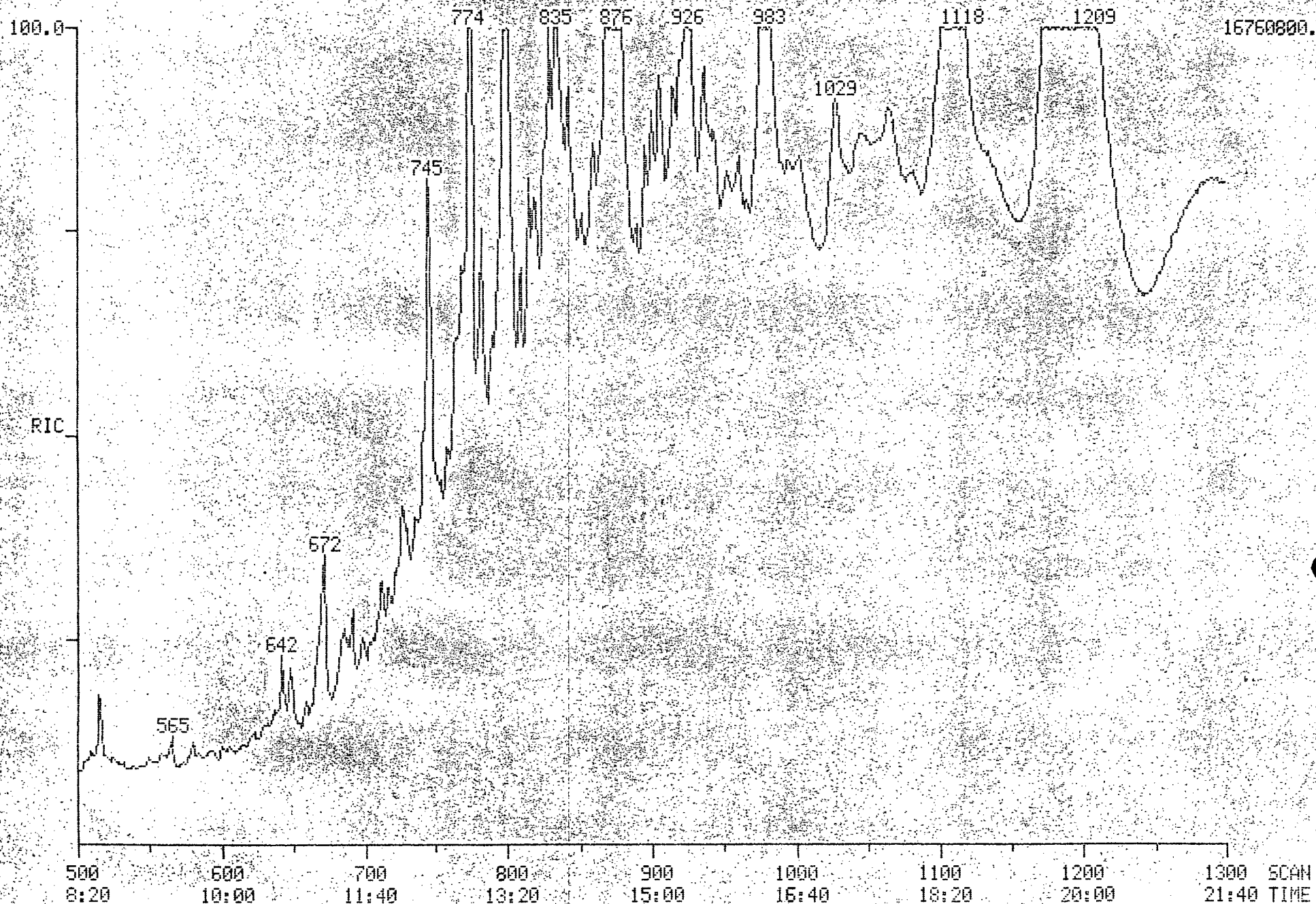
CHAIN OF CUSTODY (Continued)

[illegible]

RIC
02/09/82 8:57:00
SAMPLE: SR 6449-2

DATA: 64492M

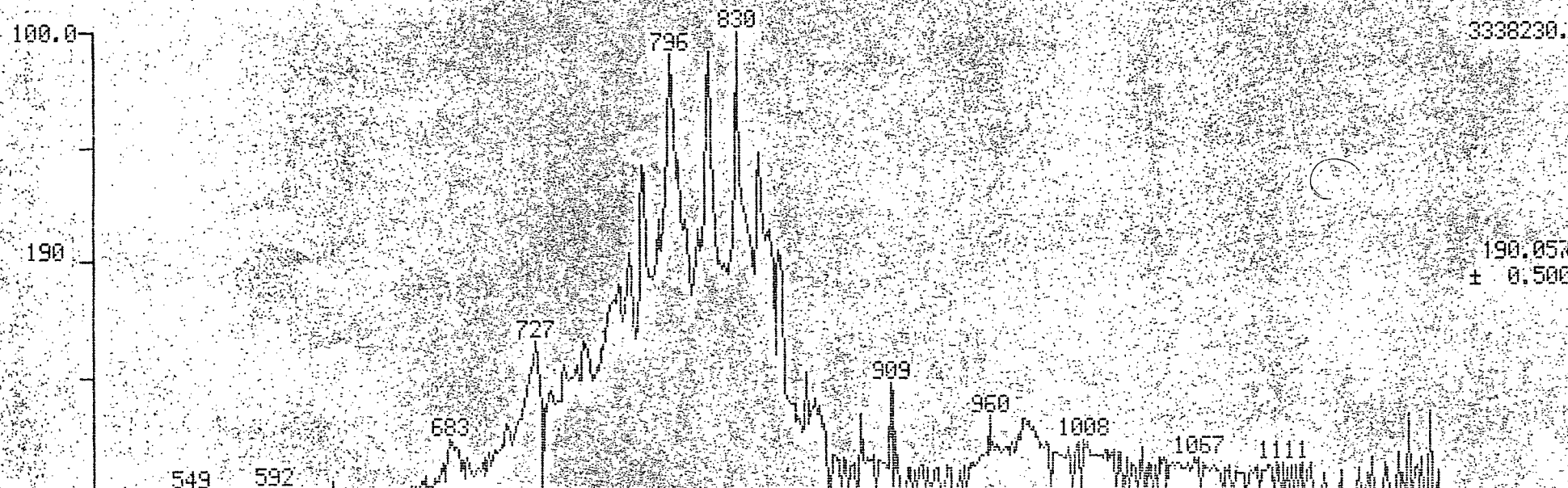
SCANS 500 TO 1300



RIC + MASS CHROMATOGRAM
02/09/82 8:57:00
SAMPLE: SR 6449-2

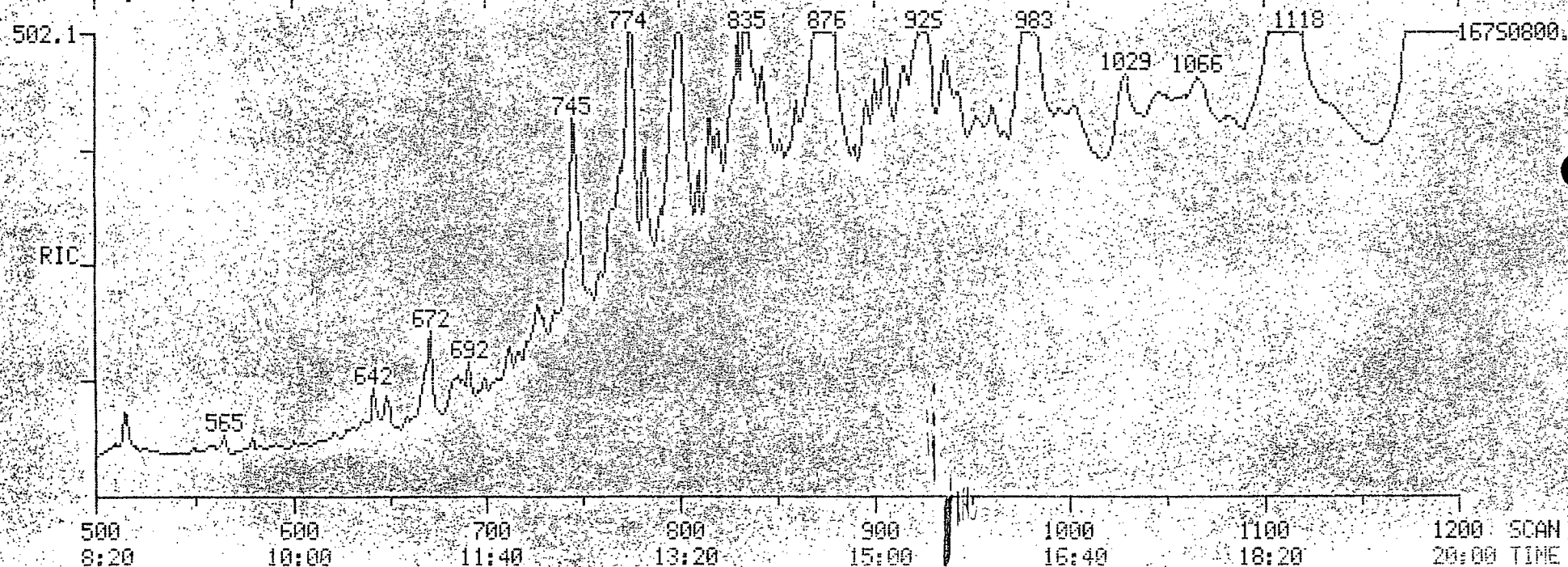
DATA: 64492M

SCANS 500 TO 1200



3338230.

190.057
± 0.500

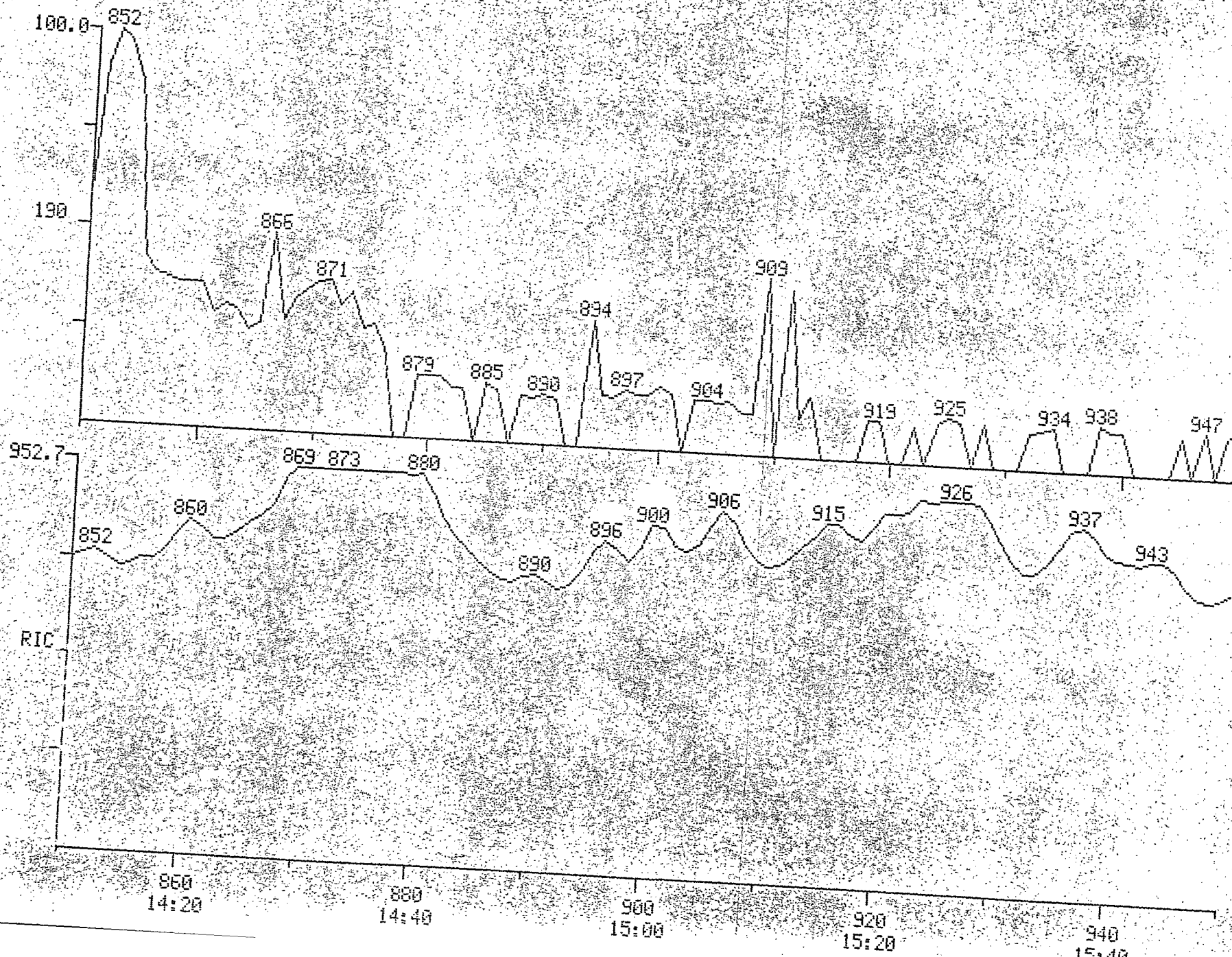


16750600.

RIC + MASS CHROMATOGRAM
02/09/82 8:57:00
SAMPLE: SR 6449-2

DATA: 64492M

SCANS 850 TO 950



1759230.

190.05
± 0.50

16760800.

SCAN

LIBRARY SEARCH
02/09/82 8:57:00 + 15:37
SAMPLE: SR 6449-2

DATA: 64492M # 937

BASE M/E: 187
RIC: 14254000.

1564
SAMPLE

C12.H8.CL2

1564
M WT 222
B PK 187
RANK 1
IN 15267
FIT 998

1,1'-BIPHENYL, 2,2'-DICHLORO-

C14.H18.O

1564
M WT 202
B PK 187
RANK 2
IN 13105
FIT 957

BENZENE, 1-METHOXY-2-(1-METHYL-2-METHYLENECYCLOPENTYL)-

C9.H9.CL3

1564
M WT 223
B PK 173
RANK 3
IN 15407
FIT 941

BENZENE, DICHLORO(CHLOROMETHYL)ETHYL-

M/E

100

150

200

250

300

350

400

LIBRARY SEARCH
02/09/82 8:57:00 + 15:37
SAMPLE: SR 6448-2

DATA: 64492M # 937

BASE M/E: 187
RIC: 14254000.

1047
SAMPLE

C12.H8.CL2

1047
M WT 222
B PK 187
RANK 1
IN 6
FIT 998

1,1'-BIPHENYL,2,2'-DICHLORO-

C12.H8.CL2

1047
M WT 222
B PK 222
RANK 2
IN 5
FIT 928

1,1'-BIPHENYL,2,4-DICHLORO-

C12.H8.CL2

1047
M WT 222
B PK 222
RANK 3
IN 4
FIT 880

1,1'-BIPHENYL,2,6-DICHLORO-

M/E 150

200

250

300

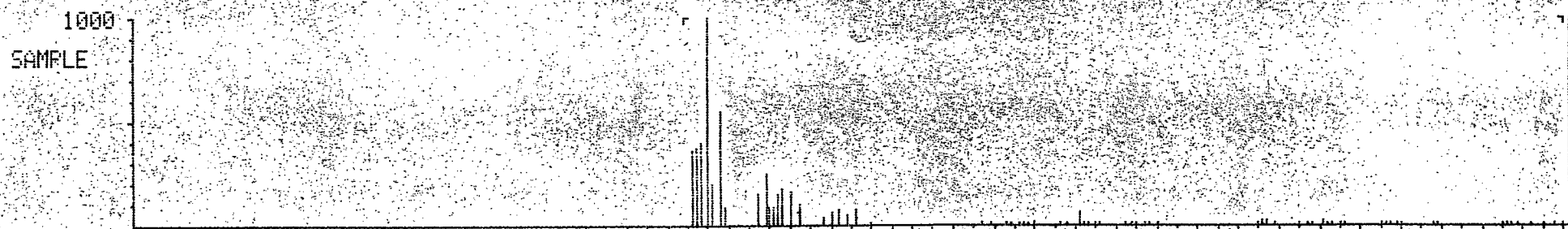
350

400

LIBRARY SEARCH
02/09/82 8:57:00 + 13:50
SAMPLE: SR 6449-2

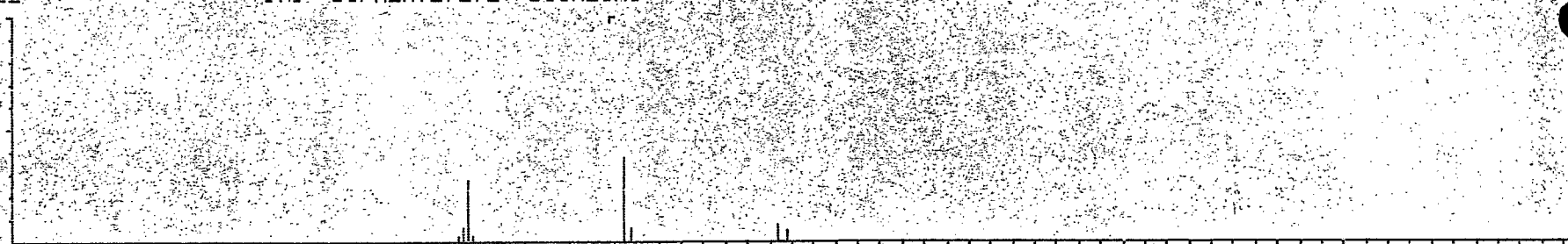
DATA: 64492M # 630

BASE M/E: 190
RIC: 15761400.



C12.H8.CL2 1,1'-BIPHENYL, 2,2'-DICHLORO-

1000
H WT 222
B PK 187
RANK 1
IN 6
FIT 898



LIBRARY SEARCH
02/09/82 8:57:00 + 15:15
SAMPLE: SR 6449-2

DATA: 64492M # 915

BASE M/E: 193
RIC: 14172100.

1308
SAMPLE

C12.H8.CL2

1308
M WT 222
B PK 152
RANK 1
IN 15267
FIT 987

1,1'-BIPHENYL,2,2'-DICHLORO-

C9.H9.CL3

1308
M WT 222
B PK 173
RANK 2
IN 15407
FIT 938

BENZENE, DICHLORO (CHLOROMETHYL) ETHYL-

C9.H14.O2.CL2

1308
M WT 224
B PK 189
RANK 3
IN 15633
FIT 911

6-HEPTENOICACID; 7,7-DICHLORO-, ETHYLESTER

M/E

50

100

150

200

250

300

350

400

DATA: 64492M # 926

BASE M/E: 187
RIC: 15417300.

LIBRARY SEARCH
02/09/82 8:57:00 + 15:25
SAMPLE: SR 6449-2

1014
SAMPLE

1,1'-BIPHENYL, 2,2'-DICHLORO-

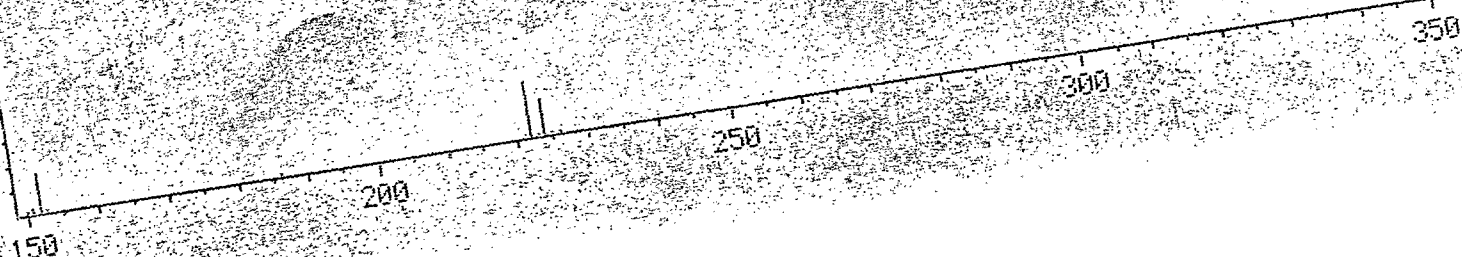
C12.H8.CL2
M WT 1014
B PK 187
RANK 1
IN 6
FIT 979

1,1'-BIPHENYL, 2,4-DICHLORO-

C12.H8.CL2
M WT 1014
B PK 222
RANK 2
IN 5
FIT 884

1,1'-BIPHENYL, 2,6-DICHLORO-

C12.H8.CL2
M WT 1014
B PK 222
RANK 3
IN 4
FIT 840



VALLEY FORGE ENGINEERING INC.

P. O. BOX 748
BRYN MAWR, PA. 19010
215-527-2473

March 2, 1982

Mr. John Gapor
U.S. EPA
Room 1000
26 Federal Plaza
New York, N.Y. 10278

Dear Mr. Gapor,

Please find enclosed the analytical data for PCB analyses on the storage tanks at Borne Chemical Co., Inc.


These data were sent by Mr. Gary Hahn, Manager, Analytical Center, Ecology & Environment, Inc., Buffalo, N.Y. Mr. Hahn's telephone number is:

716-631-0360

Please let me know if you have any questions.

Sincerely yours,

VALLEY FORGE ENGINEERING, INC.



Ernest R. Roth
President

ERR:mg

Enclosure

February 23, 1982

Mr. Wayne Howitz
Senior Environmental Specialist
New Jersey Dept. of Environmental Protection
32 Hannover Street
Trenton, NJ 08625

Dear Mr. Howitz:

Ecology and Environment, Inc. (E & E) was contracted by Valley Forge Engineering for the analysis of several waste oil samples for the presence of polychlorinated biphenyls.

ANALYTICAL METHOD:

E & E's analytical method is derived from "The Analysis of Polychlorinated Biphenyls in Transformer Fluid and Waste Oil," an interim method published by the Environmental Monitoring and Support Laboratory, Office of Research and Development, U.S. EPA, Cincinnati, Ohio, June 24, 1980. The chromatographic conditions used are given in Table 1-1.

SAMPLE PREPARATION AND CLEAN-UP:

The samples were initially screened for PCBs in excess of 50 ppm by dissolving approximately 0.2 grams of sample in 100 mL of Hexane. This solution was then subjected to a clean-up procedure by treatment with 1 mL of concentrated sulfuric acid and a small amount of elemental mercury prior to injection into the chromatograph.

Close comparison of each chromatogram with those of Aroclors 1221, 1250, 1245, 1232, 1016, and 1254 revealed no acceptable matches of peak patterns and intensity, although several samples contain similar peak patterns.

The samples were re-analyzed using a 1 gram sample and a florisil column clean-up step in addition to the acid and mercury clean-up steps. The chromatograms of these samples are found in attachments to this report. Again, some samples exhibited patterns similar to several Aroclors, but differed significantly enough to eliminate the presence of those Aroclors. Samples of Tanks 22 and 32 contained patterns somewhat similar to that of Aroclor 1254 and 1260.

Analysis of these two samples by Gas Chromatograph/Mass Spectrometry failed to confirm the presence of chlorinated biphenyls. The samples were examined for the presence of ions specific to various chlorinated biphenyls, as discussed in "A Method for Sampling and Analysis of PCB's in Ambient Air" EPA, January 30, 1978.

Mr. Wayne Howitz

2/23/82

Page 2

These ions were not observed in the correct patterns or at retention times corresponding to any polychlorinated biphenyls. The GC/MS detection limit for PCB's in oil is 35 ppm. All the compounds observed in the samples appear to be aliphatic hydrocarbons (C_8 and greater), many with attached methyl groups. The GC/MS operating conditions are given in Table 1-2. Total ion chromatograms and extracted ion profiles for polychlorinated biphenyls can be found in the attachments to this report.

Very truly yours,

Gary Haim, Manager
Analytical Services Center

GH:gb

Enclosure

cc: Mr. Ernest Roth
Valley Forge Engineering, Inc.
399 Radnor-Chester Rd.
Villanova, PA 19085



State of New Jersey

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF ENVIRONMENTAL QUALITY
SOLID WASTE ADMINISTRATION
32 EAST HANOVER STREET, TRENTON, N. J. 08625**

**JACK STANTON
DIRECTOR**

February 24, 1982

**LINO F. PEREIRA
ADMINISTRATOR
SOLID WASTE MANAGEMENT**

Mr. John Czapor
US EPA Region II
Hazardous Substance Section
26 Federal Plaza
NY, NY 10007

Dear John:

Pursuant to your conversation of February 11, 1982 with Kevin Gashlin of my staff, please find enclosed a copy of all state financed analytical results regarding the Borne Chemical case. We regret the delay experienced in forwarding this information and the inconvenience of all concerned.

To date, this office has not received the analytical results sponsored by Valley Forge Engineering. Upon receipt of this information, I shall forward a copy to you for review.

To review, the analytical results indicate mono and dichlorinated biphenyls are present. The two laboratories involved, Ecology and Environment of Buffalo, NY and Stablax-Reutter of Camden, NJ, disagree on the chemical nature of these compounds. The question is whether to treat them as PCB's or not. We would appreciate a review of the information and an opinion submitted to:

Mr. Wayne Howitz
Bureau of Hazardous Waste
Technical Assistance Section
32 E. Hanover Street
Trenton, NJ 08625

A copy of all analytical information is also being forwarded to Mr. Ted Megiss, Assistant Director of the EPA/NEIC, Denver, Colorado for a like evaluation. The Bureau of Hazardous Waste appreciates the concern of the Federal Government in aiding to resolve this potentially far reaching issue. We shall be anticipating your response.

Very truly yours,

Ronald T. Corcoran
Assistant Chief
Bureau of Hazardous Waste

RTC:KG:sm

New Jersey Is An Equal Opportunity Employer

BORNE CHEMICAL COMPANY
AKA COASTAL ENVIRONMENTAL SERVICES
ELIZABETH, N.J.
EPA# NJD002167237

Borne Chemical Company is located at 632 South Front Street, Elizabeth, Union County, New Jersey on a five acre tract of land adjacent to the Arthur Kill Waterway. Borne Chemical has been an operating facility at this site since 1916. The primary business conducted on this site was speciality chemical manufacturing. This facility was used for the blending and formulation of oil lubricants. Other activities that occurred at this site were the manufacture of leather tanning substances, textile tints and oil additives.

The Borne Chemical facility is split into two separate areas, the oil blending area containing some drum storage and the tank farm. The area of environmental concern is the Borne Chemical tank farm. Borne's environmental problems began during the period of 1959 through 1979 when they leased space in their tank farm to several companies for storage. These companies stored a variety of petroleum products including waste materials. One of the major companies using this facility was Coastal Environmental Services of Linden, New Jersey, a company who deals in the disposal of other people's waste. It was during this period of time that a combination of poor record keeping, lax security and inadequate environmental concern that allowed improper substances to be stored and subsequently spilled.

The environmental contamination exists in two major areas. The storage tank area and the ground throughout the entire site. The storage tanks contain a significant amount of oily waste (estimated to be some 486,000 gallons) of which most is of unknown composition. Selected laboratory analysis of samples from these tanks have been found to contain PCB's. The concentrations of PCB's range between 10 and 48 ppm. Some of the tanks have also been found to have low flash points under 100°F. There have also been unknown quantities of potentially hazardous material spilled onto the grounds. This is evidenced by stained, somewhat oily soils in and around the tank farm and manufacturing areas. The laboratory reports indicate extensive soil contamination, primarily of volatile organics, base neutral compounds and heavy metals. The petroleum hydrocarbon contamination ranges from 62,000 to 312,000 ppm. (mg/kg). These soil samples were taken at several areas including the tank farm, loading area and drum storage area.

The Borne facility is located along a fairly industrial area along the Arthur Kill Waterway. The closest high density population center being the city of Elizabeth approximately 1/2 mile away. There is no threat to the area's drinking water supplies as there are no producing wells. Most water for this area is supplied by a municipal system. The well water of this area of Elizabeth is brackish, as is true of most well water north of the Rahway River, along the banks of the Arthur Kill. However, there is potential contamination of this groundwater due to the high water table in the area and the absence of any geological barriers to prevent hazardous substance migration. The immediate water concern lies in the standing surface water and the water run off from Borne which is likely to end up in the Arthur Kill. The soil in the area of the Borne is part of the Brunswick formation. This formation is made up of soft reddish brown shale that contains sandstone interbedded in it. The site soil appears extremely contaminated and does not have much till associated with it.

At the time of this assessment this facility is no longer operating and the Borne Chemical Company is bankrupt. The overall site is in a very distressed condition. The tank farm has areas of standing surface water contamination throughout it. The facility is littered with the occasional drum, some being crushed and general industrial debris. The site access is prevent by a chainlink fence, however this fence can easily be breeched in several areas. The primary site security is provided by dogs which are maintained by Mr. Cincotta. Access can be obtained to the site buildings through broken windows and doors.

As of 7 July 1987 the Office of Regulatory Services has issued a directive for the Borne Chemical Site covering immediate corrective measures. These measures center around improving site security and the removal of all stored hazardous waste from the storage tanks and site buildings.

The total degree of environmental contamination is extensive at Borne, further analysis is recommended especially in the soil spill areas and storage tank residues. Since PCB's were found to be present in the storage tanks and the soils in proximity to these tanks should also be examined. The extent of soil contamination should also be determined as to plume depth and migrating direction if any to better access the potential adverse health impacts of the site.



Preliminary Assessment

Borne Chemical Company
AKA Coastal Environmental Services
632 South Front Street
Elizabeth, NJ

EPA # NJD002167237



POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT
PART 1 - SITE INFORMATION AND ASSESSMENT

I. IDENTIFICATION

01 STATE 02 SITE NUMBER
NJ D002167237

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site) Borne Chemical Company		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER 632 South Front			
03 CITY Elizabeth	04 STATE NJ	05 ZIP CODE 07207	06 COUNTY Union	07 COUNTY CODE	08 CONG DIST
09 COORDINATES LATITUDE 40° 38' 30" N		LONGITUDE 74° 12' 00" W		Block 4 Lot 1469	

10 DIRECTIONS TO SITE (Starting from nearest public road)
US 1 North to Bayway Circle, 2nd right at Viaduct St. Elizabeth Ave. right turn proceed until Front St. Turn right, cross one lane bridge. Site is on the right between elevated RR tracks to Staten Island.

III. RESPONSIBLE PARTIES

01 OWNER (If jointly) Borne Scrymser Corp.		02 STREET (Business, mailing, residential) 632 South Front			
03 CITY Elizabeth	04 STATE NJ	05 ZIP CODE 07207	06 TELEPHONE NUMBER (201) 351-1717		
07 OPERATOR (If known and different from owner) Same as above		08 STREET (Business, mailing, residential)			
09 CITY	10 STATE	11 ZIP CODE	12 TELEPHONE NUMBER ()		

13 TYPE OF OWNERSHIP (Check one)
☒ A. PRIVATE ☐ B. FEDERAL: _____ (Agency name) ☐ C. STATE ☐ D. COUNTY ☐ E. MUNICIPAL
☐ F. OTHER: _____ (Specify) ☐ G. UNKNOWN

14 OWNER/OPERATOR NOTIFICATION ON FILE (Check one)
☐ A. RCRA 3001 DATE RECEIVED: _____ MONTH DAY YEAR ☐ E. UNCONTROLLED WASTE SITE (RCRA 102(e)) DATE RECEIVED: _____ MONTH DAY YEAR ☒ C. NONE

IV. CHARACTERIZATION OF POTENTIAL HAZARD

31 ON SITE INSPECTION <input checked="" type="checkbox"/> YES DATE 8/3/81 MONTH DAY YEAR <input type="checkbox"/> NO		32 (Choose all that apply) <input checked="" type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR <input checked="" type="checkbox"/> C. STATE <input type="checkbox"/> D. OTHER CONTRACTOR <input type="checkbox"/> E. LOCAL HEALTH OFFICIAL <input type="checkbox"/> F. OTHER: _____ (Specify) CONTRACTOR NAME(S): _____			
02 SITE STATUS (Check one) <input type="checkbox"/> A. ACTIVE <input checked="" type="checkbox"/> B. INACTIVE <input type="checkbox"/> C. UNKNOWN		03 YEARS OF OPERATION 1916 BEGINNING YEAR ENDING YEAR <input type="checkbox"/> UNKNOWN			

04 DESCRIPTION OF SUBSTANCES POSSIBLY PRESENT, KNOWN, OR ALLEGED
Waste oil products, PCB, Aromatic Hydrocarbons.

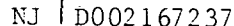
05 DESCRIPTION OF POTENTIAL HAZARD TO ENVIRONMENT AND OR POPULATION
Appears to be significant soil contamination in and around the tank farm. The tanks are very deteriorated which could threaten the Arthur Kill.

V. PRIORITY ASSESSMENT

01 PRIORITY FOR INSPECTION (Check one. If Agent or Inspector is checked, complete Part 2 - Waste Information and Part 3 - Description of Hazardous Conditions and Incidents)
☐ A. HIGH (Inspection required promptly) ☒ B. MEDIUM (Inspection required) ☐ C. LOW (Inspect on time available basis) ☐ D. NONE (No further action needed. Complete current disposition form)

VI. INFORMATION AVAILABLE FROM

01 CONTACT Frank Gromand	02 OF (Agency or Organization) Case Management NJDEP		03 TELEPHONE NUMBER ()	
04 PERSON RESPONSIBLE FOR ASSESSMENT Norman Davis, Jr.	05 AGENCY NJDEP	06 ORGANIZATION BPA	07 TELEPHONE NUMBER (609) 984-3224	08 DATE 6/30/87 MONTH DAY YEAR





POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT

PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

1. IDENTIFICATION

01 STATE NJ 02 SITE NUMBER D002167237

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 ☒ A. GROUNDWATER CONTAMINATION
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☒ POTENTIAL ☐ ALLEGED

Groundwater contamination is likely due to hazardous material spills and the high groundwater table in the proximity of the Arthur Kill.

Attachment H

01 ☐ B. SURFACE WATER CONTAMINATION
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☐ POTENTIAL ☐ ALLEGED

Surface water contamination is possible due to contaminated soil run-off and discharge pipes that are directed towards the Arthur Kill.

Attachment H

01 ☐ C. CONTAMINATION OF AIR
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☐ POTENTIAL ☐ ALLEGED

Not likely, due to the high molecular weights and resultant vapor pressures of waste, and blending oils stored at site.

01 ☒ D. FIRE/EXPLOSIVE CONDITIONS
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☐ POTENTIAL ☐ ALLEGED

Explosive conditions do exist at some tanks due to a low flash point 100°C. There are also fire hazards at storage buildings due to oily materials and overall decay of the building.

Attachment C

01 ☒ E. SECURITY
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☒ POTENTIAL ☐ ALLEGED

This site is fenced in, however there is a potential for direct contact as the fence can be breached and there is no security guards with the exception of dogs.

01 ☐ F. CONTAMINATION OF SOIL
03 AREA POTENTIALLY AFFECTED: _____

02 ☒ OBSERVED (DATE: 1/11/85)
04 NARRATIVE DESCRIPTION

☐ POTENTIAL ☐ ALLEGED

Large areas of the site appear to have significant amounts of soil contamination. The tank farm has standing liquid pools present.

Attachment D

01 ☐ G. DRINKING WATER CONTAMINATION
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☐ POTENTIAL ☐ ALLEGED

There are no wells in the area of Borne Chemical site, all water is piped in from Elizabeth.

01 ☐ H. WORKER EXPOSURE/INJURY
03 WORKERS POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☐ POTENTIAL ☐ ALLEGED

Site is no longer operating, worker exposure is minimal.

01 ☒ I. POPULATION EXPOSURE/INJURY
03 POPULATION POTENTIALLY AFFECTED: _____

02 ☐ OBSERVED (DATE: _____)
04 NARRATIVE DESCRIPTION

☒ POTENTIAL ☐ ALLEGED

There is a possibility of population exposure if the tanks and/or storage buildings were to catch fire and/or explode.



POTENTIAL HAZARDOUS WASTE SITE
PRELIMINARY ASSESSMENT
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

L IDENTIFICATION
01 STATE 02 SITE NUMBER
NJ D002167237

II. HAZARDOUS CONDITIONS AND INCIDENTS (Continued)

01 ☐ J DAMAGE TO FLORA 02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☐ ALLEGED
04 NARRATIVE DESCRIPTION
There is very little noticeable damage to the area flora, as there is very little flora remaining.

01 ☐ K DAMAGE TO FAUNA 02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☐ ALLEGED
04 NARRATIVE DESCRIPTION (INCLUDE ADDRESS OF ADDRESS)
Discharges from the site could impact the aquatic fauna.

01 ☐ L CONTAMINATION OF FOOD CHAIN 02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☐ ALLEGED
04 NARRATIVE DESCRIPTION
There could be the possibility of discharges to the Arthur Kill which may effect the food chain.

01 ☒ M UNSTABLE CONTAINMENT OF WASTES 02 ☐ OBSERVED (DATE: _____) ☒ POTENTIAL ☐ ALLEGED
(Some amount of leaking could be leaking drums)
03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION
There were some 600 drums stacked on the property, however they have been removed. Some tanks contain unknown waste along with the storage and manufacturing area.
Attachment B

01 ☐ N DAMAGE TO OFFSITE PROPERTY 02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☐ ALLEGED
04 NARRATIVE DESCRIPTION
There is no apparent damage to offsite property as a result of the Borne Chemical site.

01 ☐ O CONTAMINATION OF SEWERS, STORM DRAINS, WWTPS 02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☐ ALLEGED
04 NARRATIVE DESCRIPTION
There is no apparent sewer storm drain contamination potential.

01 ☒ P ILLEGAL/UNAUTHORIZED DUMPING 02 ☐ OBSERVED (DATE: _____) ☐ POTENTIAL ☒ ALLEGED
04 NARRATIVE DESCRIPTION
Site has a history of illegal waste storage, and the degree of ground contamination does appear extensive.
Attachment F

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS
There are indications that the manufacturing and storage buildings may be fire hazards.

III. TOTAL POPULATION POTENTIALLY AFFECTED: _____

IV. COMMENTS

V. SOURCES OF INFORMATION (Cite specific references to data used in the assessment.)



SEE NEW JERSEY NORTHERN
METRO AREA ON REVERSE
SIDE FOR MORE DETAIL

Borne Chemical Company
AKA Coastal Environmental Services
Elizabeth, NJ

EPA# NJD 002167237

Lat 40° 38' 30" Long 74° 12' 00"

MAPA

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT
NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
BUILDING 53, BOX 25227, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

DATE: March 18, 1982

Mr. Ronald Corcory
Asst. Chief, Bureau of Hazardous Waste
New Jersey Dept. of Environmental Protection
32 East Hanover Street
Trenton, NJ 08625

Dear Mr. Corcory:

As requested, we have reviewed the reports you sent us concerning the polychlorinated biphenyls (PCB) analysis of four waste oil samples by the Stablex-Reutter Laboratory in Camden, New Jersey. In addition, we have also received a data package from Mr. John Czapor of EPA, Region II, which concerns the analysis of reportedly the same oil samples by Ecology & Environment (E&E) of Buffalo, New York. This latter package is still being reviewed and our findings will be summarized in a later report. Of concern to all is the fact that the Stablex-Reutter Laboratory reports substantial concentrations of PCB's (over 500 ug/g as Aroclor 1254) in three of the four samples whereas the E&E Laboratory reports no detectable PCB's at a detection limit of 35 ug/g.

Our review of the Stablex-Reutter data supplied to us indicates that some critical parts are missing. Specifically, we do not have copies of the gas chromatograms obtained with a gas chromatograph equipped with a Hall Electrolytic Conductivity Detector nor do we have copies of the calculations that must have been made from these chromatograms in the quantification of Aroclor 1254. We have tried repeatedly to contact Mr. Howitz of your office in order to obtain these additional documents, but have been unsuccessful. Furthermore, Mr. Czapor has told us that these chromatograms may not be available. If you can obtain these documents, we will be glad to review them, but without this data the entire Stablex-Reutter report must be considered suspect.

Our review of the gas chromatograph/mass spectrometer data that was provided indicates that the data are not conclusive for the presence of monochlorobiphenyl and dichlorobiphenyl. Furthermore, the data do not indicate the presence of any specific PCB's which make up a significant portion of the reported Aroclor 1254. Monochlorobiphenyl and dichlorobiphenyl are major components of Aroclor 1221 which is a very seldom found Aroclor. However, these chemicals comprise only 0.1% and 0.5% respectively of Aroclor 1254. Therefore, it is not acceptable to suggest that their presence (even if confirmed) can be extrapolated to Aroclor 1254 concentrations.

Our additional concerns with the Stablex-Reutter report are as follows:

1. The EPA/EMSL method for PCB's in oils specifies dilution of samples in hexane, whereas Stablex-Reutter appears to have used methanol, a solvent which will not completely extract PCB's from an oil matrix.

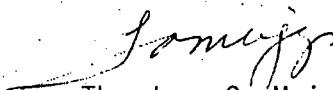
2. Samples A1127 and A1128 were collected in plastic containers (see chain-of-custody record). All PCB samples should be collected and stored in glass containers.
3. No blanks appear to have been analyzed with the PCB analyses. It is also not clear whether the "confirmatory" analyses for PCB's are true duplicates with separate samples and standards or just second injections of the original sample on the confirmatory column. At least one true duplicate with a separate sample preparation should have been prepared.
4. The 100% recovery of toluene by overspiking 28,000 ug/g with 1000 ug appears to be "too good" for this type of determination.

In summary, we feel that the Stablex-Reutter analyses are suspect at best and from the data we have been provided, do not support the reported concentrations of Aroclor 1254.

In response to your request concerning the regulation of monochlorobiphenyls, I can tell you that the Agency's position is clearly that monochlorobiphenyl is a PCB under the definition in the regulation and should be treated accordingly. However, the Dow Chemical Company is currently challenging this position and we are awaiting the courts to decide this issue.

If you or your staff have any questions concerning this review, please give me a call. We will send you a copy of our review of the E&E data as soon as it is complete.

Sincerely,



Theodore O. Meiggs, Ph.D.
Assistant Director, Laboratory Services

cc: ✓ Mr. John Czapor, Region II, NY
Mr. William Coakley, Region II, Edison
Mr. Dean Hill, NEIC

**RECORD OF
COMMUNICATION**☐ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY) Ten Page Report

(Record of item checked above)

TO:

Dr. Richard Spear

FROM:

Amelia J. Janisz

DATE

8/24/81

TIME

12:00 pm.

SUBJECT

Borne Chemical Co. Inc. Elizabeth, N.J.

SUMMARY OF COMMUNICATION

Borne Chemical has been located at this site since 1916. From 1959 to 1979, the facility rented space to many small and large companies for storage of various products including many wastes. No adequate records were kept during this period; security was lax; and several companies involved in 'cleaning up' hazardous wastes dumped unknown materials into the storage tanks. There was a change of management in 1979. Many drums were removed from the property at this time. The company is now a major facility blending virgin oils and does not produce any waste.

There are several active and several unused buildings on the site. The active buildings show much evidence of sloppy housekeeping. There are abandoned uncleaned tanks within the buildings and years of accumulated oil and multicolored stains on the floors. Soil outside the building appears saturated with oil.

Serious problems exist at this site in two areas. 1) The surface impoundment - this is a 12 foot oval immediately to the left of the main entrance gate. Oily wastes of unknown chemical composition and in unknown quantities were poured onto the ground here; 2) The tank farm - 23 tanks containing unknown quantities of liquids and sludges are located within an earthen dike. The ground is stained and saturated with oily wastes. According to a Borne Chemical estimate, ten of the tanks contain approximately 486,000 gallons of unknown chemicals. The tanks have been randomly tested for PCBs, flash points, and other parameters. PCBs range from <10 - 48 ppm and some of the tanks have flash points of <100°F. The structural integrity of the tanks is unknown.

The seawall bordering the site on the east is crumbling but poses no immediate problems with regards to the site's integrity.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

Samples should be taken at the surface impoundment and from all the tanks with liquids. A sampling protocol will be developed since the structural integrity of the tanks is unknown and the flash points of some tanks are extremely low. The drums on site do not appear to be a major problem. The company has had large numbers of drums removed, and is in litigation to have the remaining abandoned drums removed.

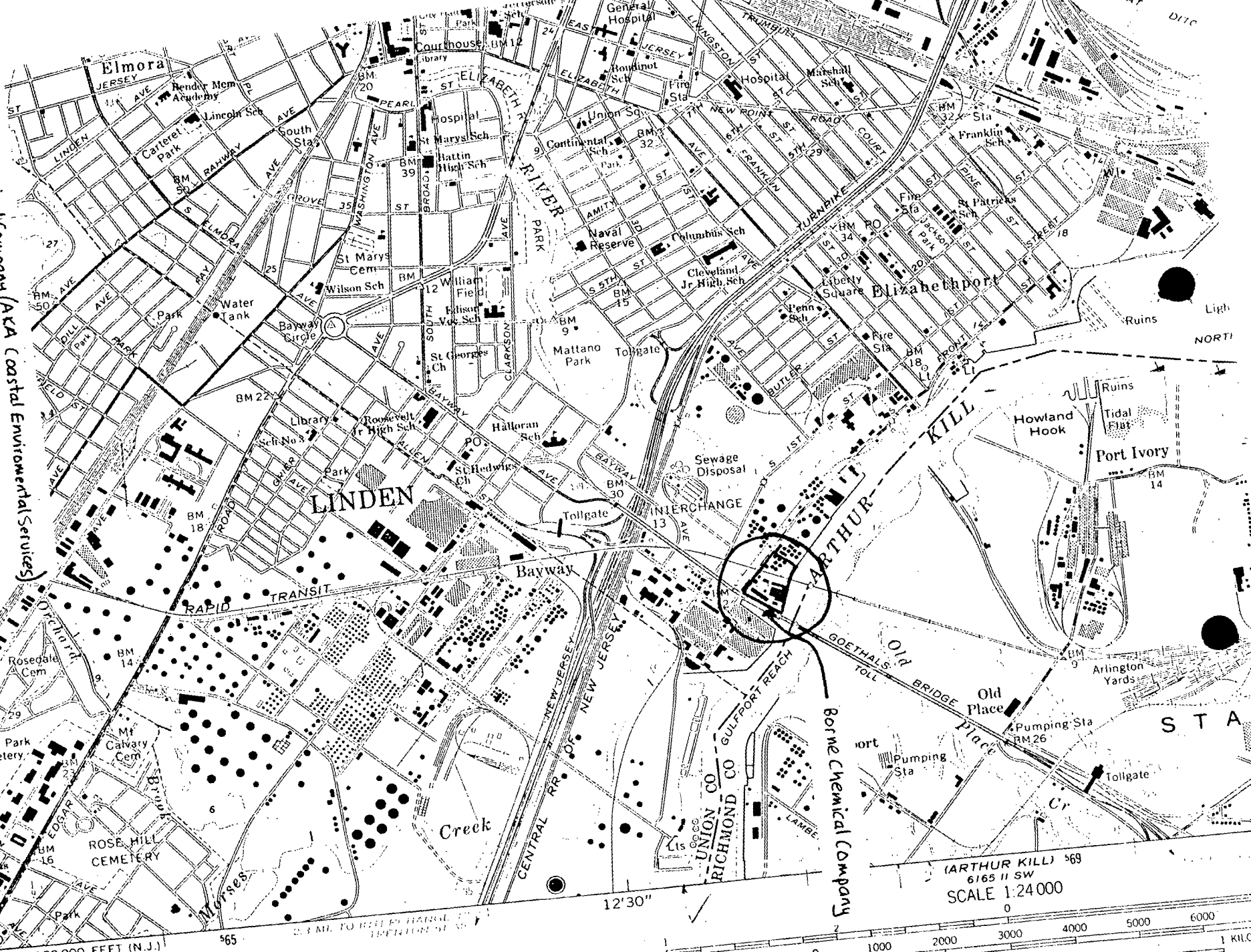
INFORMATION COPIES**TO:**

Record of Communications (cont'd)

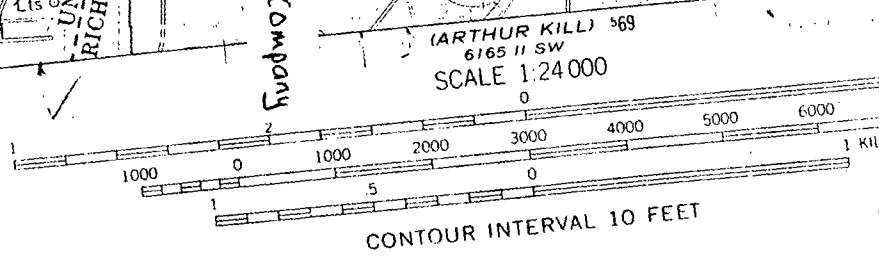
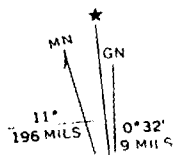
No discharges were noted into Arthur Kill with the exception of 4" and 18" storm drain pipe(s). These pipes appear to be discharging into the Kill and an oily slick was evident next to them. There are approximately 600 drums of abandoned Rolfite property stacked near the railroad trestle; their contents do not appear to pose any immediate hazard based on a list from Borne Chemical.

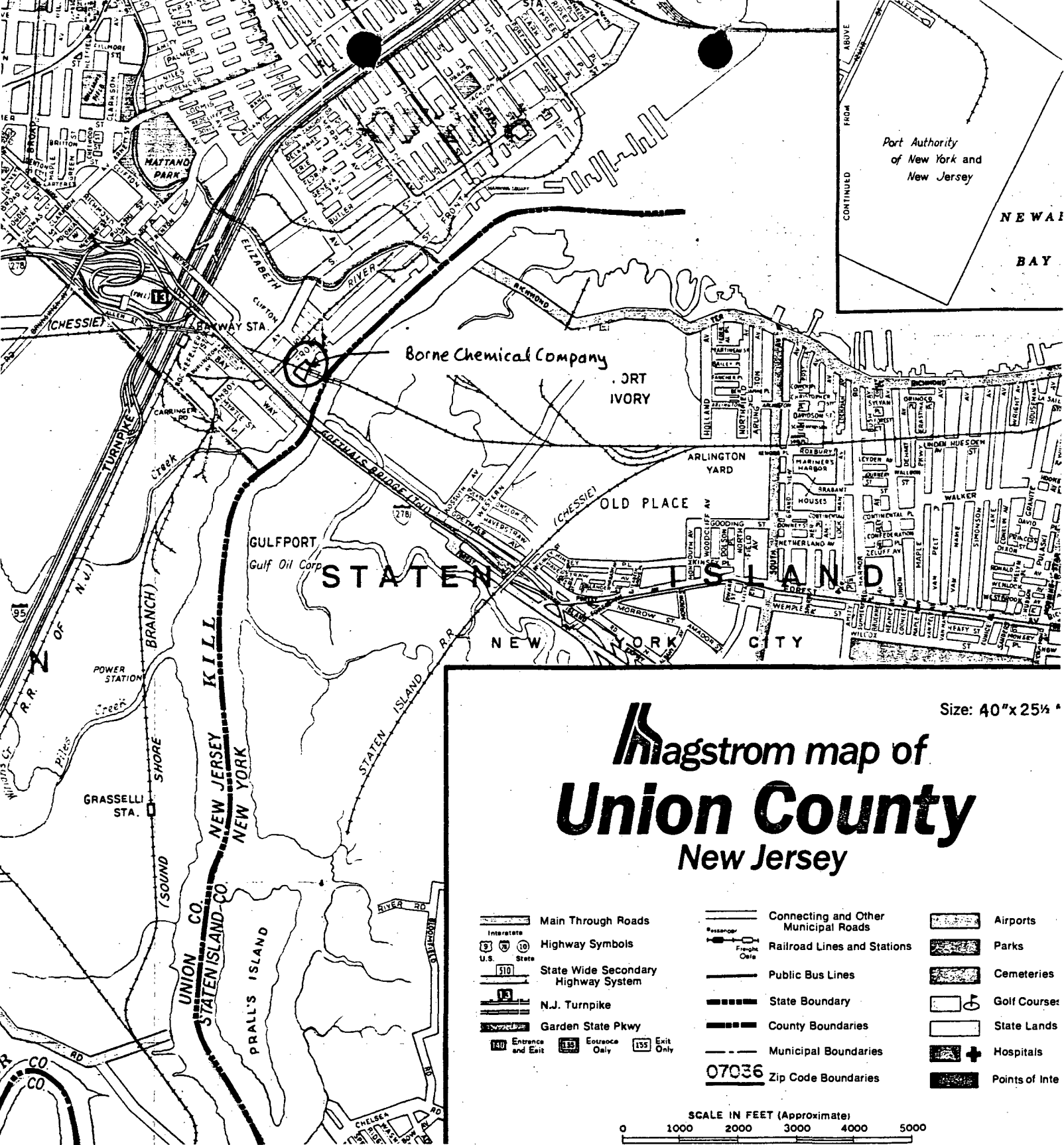
Lat 40° 38' 30" Long 74° 12' 00" MAP B

Borne Chemical Company (AKA Coastal Environmental Services)
 Elizabeth, N.J.
 EPA # NJD 002167237
 Elizabeth Quadrangle
 USGS



15' 564 2120 000 FEET (N.J.) 565
 Mapped, edited, and published by the Geological Survey
 Revised in cooperation with New York Department
 of Transportation
 Control by USGS, USC&GS, USCE, and New Jersey Geodetic Survey
 Planimetry by photogrammetric methods and from USC&GS Charts
 Index 1-5111, 1-5332, 1-5467, 1-5468, and 1-5469





Borne Chemical Company
(AKA Coastal Environmental Services)
Elizabeth, NJ
EPA# NJD 002167237

MA PC

P

Q



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278

JOHN
C390m -
fyi -
J. Caputo
B. Rocco

April 12, 1982

Lewis M. Markowitz, Esq.
Epstein, Epstein, Brown, Eosek and Turndorf
505 Morris Avenue
P.O. Box 705
Springfield, New Jersey 07081

Re: Borne Chemical Company, Inc.
Elizabeth, New Jersey --
Violations of 40 CFR 112
EPA Docket No. OH-II-81-1

Dear Mr. Markowitz;

Enclosed are copies of a draft Settlement Agreement and an Exhibit which reflect certain of our previous negotiations in settlement of the above-captioned matter.

Please contact me as soon as you have reviewed these materials so that we may proceed.

Sincerely,

Coles H. Phinizy, Jr.

Coles H. Phinizy, Jr.
Attorney
Water Enforcement Branch

Enclosures

cc: Hon. D. Joseph DeVito
Bankruptcy Judge
United States Post Office and Courthouse
Federal Square
Newark, New Jersey 07102 (without enclosures)

Frank J. Vecchione, Esq.
Crummy, Del Dio, Dolan and Purcell
Gateway One
Newark, New Jersey 07102 (with enclosures)

Mr. Thomas Leonard, Supervisor
Office of Hazardous Substances Control
New Jersey Department of Environmental Protection
Division of Pure Waters
Trenton, New Jersey 08625 (without Enclosures)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE

SUBJECT: Borne Chemical

FROM: John V. Czapora
Hazard Assessment SectionTO: Walter Mugdan, Chief
General Enforcement BranchTHRU: John S. Frisco, Chief
Hazard Assessment Section

The purpose of this memo is to briefly review Agency activities regarding Borne Chemical, outline the problems facing us and limiting our future options, and suggest alternative courses of action at the site.

History

Borne Chemical is a largely unused facility on South Front Street in Elizabeth, New Jersey. The sole remaining activity at the site is a oil blending operation which does not produce waste. The hazardous waste problem at the site centers around a tank farm - 23 tanks containing an estimated 486,000 gallons of chemicals and oils. Borne has disowned responsibility for these tanks in the past, claiming the material was brought to the site by companies leasing the property, most notably Coastal Services. There is little information on the nature of material in the tanks. Some analysis was performed years ago for Borne showing the presence of PCB's (less than 50 ppm) and flash points below 100°F. Due to the low flash points, FIT recommended sampling during the winter and was prepared to conduct the sampling in January.

Current Status

We have postponed sampling for two reasons. First, the New Jersey Hazardous Waste Strike Force requested a delay of about one month to allow for completion of a criminal investigation. This investigation may not affect Borne but rather a facility in Pennsylvania that may have received material from Borne in violation of its permit. Secondly, Borne is attempting to dispose of material in eight of the tanks by selling it to a oil reclamation and recycling operation. The broker, Valley Forge Engineering, has analyzed the contents of the tanks for PCB's, flash point, and chlorinated hydrocarbons. Final analytical results are due shortly, however, it appears that this will not immediately be of assistance as preliminary results show wide discrepancies between Borne's PCB results and split-sample results analyzed by a NJDEP contract lab. In addition, the proposed recycling facility is the subject of the criminal investigation; there is some question as to whether the material will be allowed to be removed to that facility.

The above facts present us with a dilemma. On the one hand we do not want to interfere with the ongoing state investigation, nor do we want to spend time and money sampling tanks which may be empty within a short time. On the other hand, we do not want to delay sampling with the result that the material is still in the tanks this summer.

Enforcement/Removal Options

Assuming that our objective is the removal of the material in the tanks by this summer, two areas need to be fully examined before we can act:

1. How many of the tanks contain material which can be reclaimed? When will the removal for purposes of reclamation occur? How many tanks will still contain material?
2. What is the nature of the Strike Force's investigation? Will it in any way result in the removal of the material in the tanks? Will it prevent the removal planned by Borne?

Assuming, as it now appears, that material will not be removed and reclaimed, there are a number of options which we could pursue:

1. Issuance of a §3013 letter requiring Borne to sample all tanks to determine quantity and quality of the material in the tanks.
2. Issuance of a Superfund notice letter to Borne preceding our investigatory activity and any conceivable removal activity.
3. Instruct the FIT to perform the sampling outright.

The first two points are only suggested to prevent the Agency from bearing analytical costs which are Borne's responsibility. It would be particularly inappropriate if our results were used by Borne to make a profit or remove a liability.

In summary, it is clear that the Borne Chemical site requires some immediate action on the part of either ourselves or the State. Some sampling must be done; sampling should be performed within the next 45 days while the temperatures are favorably low. I suggest that we resolve the enforcement issues with the New Jersey Strike Force within the next two weeks if we are to act responsibly at this site.

A

RECORD OF COMMUNICATION		<input type="checkbox"/> PHONE CALL <input type="checkbox"/> DISCUSSION <input type="checkbox"/> FIELD TRIP <input type="checkbox"/> CONFERENCE <input type="checkbox"/> OTHER (SPECIFY) Ten Page Report
(Record of item checked above)		
TO: Dr. Richard Spear	FROM: Amelia J. Janisz	DATE 8/24/81 <hr/> TIME 12:00 pm.
SUBJECT Borne Chemical Co. Inc. Elizabeth, N.J.		
SUMMARY OF COMMUNICATION <p>Borne Chemical has been located at this site since 1916. From 1959 to 1979, the facility rented space to many small and large companies for storage of various products including many wastes. No adequate records were kept during this period; security was lax; and several companies involved in 'cleaning up' hazardous wastes dumped unknown materials into the storage tanks. There was a change of management in 1979. Many drums were removed from the property at this time. The company is now a major facility blending virgin oils and does not produce any waste.</p> <p>There are several active and several unused buildings on the site. The active buildings show much evidence of sloppy housekeeping. There are abandoned uncleaned tanks within the buildings and years of accumulated oil and multicolored stains on the floors. Soil outside the building appears saturated with oil.</p> <p>Serious problems exist at this site in two areas. 1) The surface impoundment - this is a 12 foot oval immediately to the left of the main entrance gate. Oily wastes of unknown chemical composition and in unknown quantities were poured onto the ground here; 2) The tank farm - 23 tanks containing unknown quantities of liquids and sludges are located within an earthen dike. The ground is stained and saturated with oily wastes. According to a Borne Chemical estimate, ten of the tanks contain approximately 486,000 gallons of unknown chemicals. The tanks have been randomly tested for PCBs, flash points, and other parameters. PCBs range from <10 - 48 ppm and some of the tanks have flash points of <100°F. The structural integrity of the tanks is unknown.</p> <p>The seawall bordering the site on the east is crumbling but poses no immediate problems with regards to the site's integrity.</p>		
CONCLUSIONS, ACTION TAKEN OR REQUIRED <p>Samples should be taken at the surface impoundment and from all the tanks with liquids. A sampling protocol will be developed since the structural integrity of the tanks is unknown and the flash points of some tanks are extremely low. The drums on site do not appear to be a major problem. The company has had large numbers of drums removed, and is in litigation to have the remaining abandoned drums removed.</p>		
INFORMATION COPIES TO: <div style="text-align: right; font-size: 2em; margin-top: 20px;">A</div>		

Record of Communications (cont'd)

No discharges were noted into Arthur Kill with the exception of 4" and 18" storm drain pipe(s). These pipes appear to be discharging into the Kill and an oily slick was evident next to them. There are approximately 600 drums of abandoned Rolfite property stacked near the railroad trestle; their contents do not appear to pose any immediate hazard based on a list from Borne Chemical.

Site Description

This is the site of an inactive lubricating oil manufacturing plant located on a five-acre tract of land bordering the Arthur Kill Waterway in a mixed residential and industrial section of the City of Elizabeth. In addition to petroleum processing and blending, the plant also manufactured products used in the leather tanning industry, tints for the textile industry and oil additives. The facility includes several bulk storage tanks, warehouses and a railroad car loading facility. The company also operated a leasing business for bulk storage tanks.

Environmental Impact

Sampling at the site has shown low levels of polychlorinated biphenyls (PCBs) present in waste oils contained in the bulk storage tanks. Approximately 600 drums of unknown contents also remain on site.

Various spillages on site have occurred and have contaminated soils and possibly contaminated surface water and ground water. Surface soil samples were collected by NJDEP (October 1984) and test results showed relatively high levels of toxic and hazardous compounds (base neutral compounds, lead and petroleum hydrocarbons).

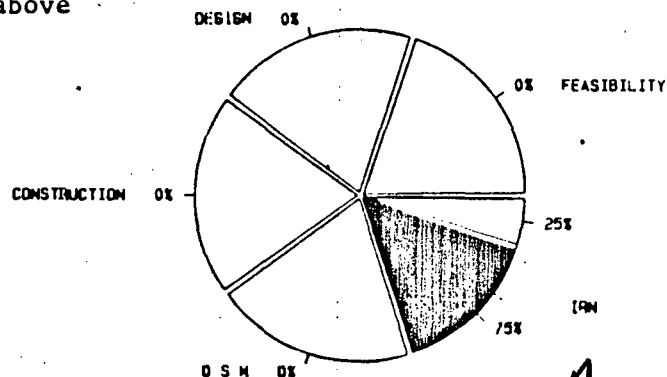
Status

In 1980 the company filed for bankruptcy. Various firms have rented the bulk storage tanks on the Borne Chemical site. In July 1984 one generator removed approximately 600 drums from the site. On February 24, 1986 NJDEP engaged a contractor to perform Phase I remediation - a tank and vessel inspection at the site to identify, quantify and characterize the contents and recommend a disposal plan. Work was completed with the results summarized in two reports submitted in May 1986. The scope of work for the second stage of Phase I remediation, removal of stored materials on-site, will be prepared and completed in the fall of 1986.

<u>Activity</u>	<u>Action Date</u>	<u>Status</u>	<u>Dollars Obligated (Millions)</u>	<u>Funding Source</u>	<u>Comments</u>
Drum Removal	FY'84	C	\$0.200	Responsible Party	

Phase I Remediation

Tank and Vessel Inspection/ Characterization and Disposal Plan	FY'86	C	\$0.120	State	
		U	Included above		



Background Info.

A



CASHLIN

BORNE CHEMICAL COMPANY, INC.

Elizabeth, N. J. 07207

X01-351-1717 N.Y. 513-73X-8073

TELEX - 188165

MARCH 23, 1981

N.J. DEPT. OF ENVIRONMENTAL PROTECTION
SOLID WASTE ADMINISTRATION
32 EAST HANOVER STREET
TRENTON, N.J. 08625

ATTN: KEVIN GASHLIN, ENVIRONMENTAL SPECIALIST

DEAR MR. GASHLIN,

RE: THE ROLFITE COMPANY
REMOVAL OF 600 DRUMS FROM
BORNE CHEMICAL ELIZABETH PLANT

PER OUR DISCUSSION, BORNE CHEMICAL COMPANY, INC. MANUFACTURED PRODUCTS FOR ROLFITE FROM 1971 TILL MID-YEAR 1979. THESE PRODUCTS WERE PRODUCED FOR ROLFITE TO THEIR EXACT FORMULATIONS AND SPECIFICATIONS. GENERALLY, ROLFITE PURCHASED THE RAW MATERIALS AND CONTAINERS AND HAD THEM SHIPPED TO BORNE CHEMICAL ELIZABETH PLANT. THEREFORE, BORNE HAD AN INTIMATE KNOWLEDGE OF THE RAW MATERIALS OF ROLFITE'S FINISHED PRODUCTS. THESE PRODUCTS WERE MAINLY FUEL OIL ADDITIVE COMPOUNDS. IN TURN BORNE CHEMICAL HAD SIMILAR KNOWLEDGE OF ALL INTERMEDIATE MANUFACTURING PRODUCTS AND EQUIPMENT FLUSHINGS.

BORNE CHEMICAL HAS ALREADY PROVIDED YOU WITH A LIST OF THE TOTAL RAW MATERIALS USED FOR THE MANUFACTURE OF THE ROLFITE PRODUCTS INDICATING THE FEW RAW MATERIALS THAT BORNE HAD IN COMMON WITH ROLFITE.

WE PROVIDED THE PAST INFORMATION AND ARE PROVIDING THIS CLARIFICATION IN ORDER TO SUPPORT THE N.J. DEPT. OF ENVIRONMENTAL PROTECTION'S ACTION TO CAUSE ROLFITE TO REMOVE FROM THE BORNE CHEMICAL PLANT TO AN APPROVED DISPOSAL SITE, THE APPROXIMATE 600 DRUMS NOW STORED IN THE BORNE CHEMICAL ELIZABETH PLANT YARD. BORNE HAS ATTEMPTED AND CONTINUES TO ATTEMPT TO GET ROLFITE'S AGREEMENT TO DO THIS. HOWEVER, AFTER APPROXIMATELY 18 MONTHS WE HAVE NOT BEEN SUCCESSFUL AT ALL, IN FACT THEY HAVE REFUSED TO REMOVE THEIR PROPERTY, NAMELY THE DRUMS, FROM BORNE CHEMICAL ELIZABETH PLANT.

WE HAVE TAKEN CIVIL ACTION BUT IT IS COMPLICATED BY FINANCIAL AND BUSINESS ISSUES. THIS ITEM HAS BEEN PLACED BY THE COURT ON A LONG LIST OF OTHER ITEMS UNDER LITIGATION WITH ROLFITE. DUE TO THE SLOW PROCESS OF THE CIVIL LITIGATION, BORNE CHEMICAL REQUIRES YOUR ASSISTANCE. WE REQUEST THAT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY PROCEED WITH ORDERS FOR ROLFITE'S PROPER REMOVAL OF THEIR PROPERTY FROM THE BORNE CHEMICAL ELIZABETH PLANT.



Attachment B

BORNE CHEMICAL COMPANY, INC.

Elizabeth, N. J. 07207
201-381-1717 N.Y. X12-78X-5070
TELEX - 130193

MARCH 23, 1981
LETTER - CORONA TO GASHLIN
CONTINUED - PAGE 2

THANK YOU FOR YOUR ASSISTANCE; IF YOU REQUIRE ASSISTANCE
OR ADDITIONAL INFORMATION, PLEASE LET ME KNOW.

SINCERELY YOURS,



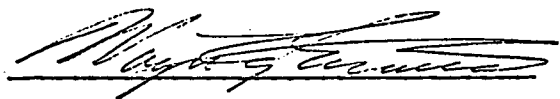
A. J. CORONA
GENERAL MANAGER

AJC/BHB



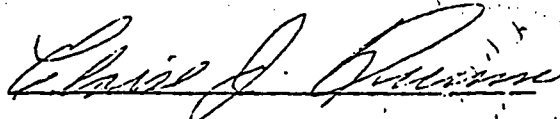
I, Wayne E. Bowers, being duly sworn deposes and says:

1. I developed formulations for magnesium oxide dispersion products used as fuel additives and developed the processes for manufacturing such dispersion products for The Rolfite Company ("Rolfite").
2. Prior to establishing a plant of its own for the production of dispersion products, I assisted Rolfite in obtaining outside contractors to manufacture dispersion products for Rolfite. One of such outside contractors that I assisted was Borne Chemical Company ("Borne") at its plant in Elizabeth, New Jersey where dispersion products have been produced.
3. I am aware of the settlement of certain litigation between Rolfite and Borne described in a Stipulation and Consent Order filed in the New Jersey Superior Court on January 5, 1984, of which Stipulation paragraph 2 provides for the purchase by Rolfite of approximately 600 drums and the contents thereof.
4. On or about September 12, 1984, I inspected the aforesaid drums at Borne's plant in Elizabeth, New Jersey and obtained samples from a number of such drums on a random, but representative basis.
5. Based on my knowledge of procedures carried out by Borne and my inspection and sampling of the aforesaid drums, I can say that such drums contain magnesium oxide in a slurry or dispersed in a #2 fuel oil carrier.
6. Further, based on my knowledge and experience in working at the Borne plant, the materials in the aforesaid drums were originally scheduled for re-work in new batches of Rolfite's fuel additive products and to the best of my knowledge can still be so utilized.



Wayne E. Bowers

Subscribed and sworn before me this 21st day of February, 1984.



NOTARY PUBLIC

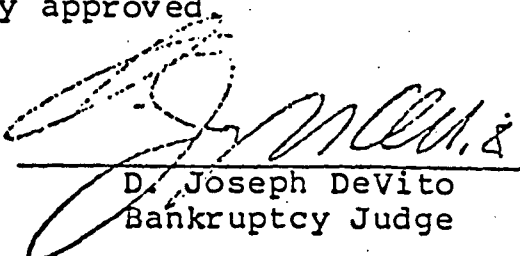
NOTARY PUBLIC

My Commission Expires March 31, 1988

Hockfield, Esq., counsel for Rolfite; Hahn & Hessen, counsel for Lincoln First Commercial Corp.; Platzer and Fineberg, counsel for the Creditors Committee; Rosemary Gambardella, Esq., Assistant United States Trustee; Rebecca Fields, Esq., Deputy Attorney General for the State of New Jersey, attorney for the Department of Environmental Protection of the State of New Jersey; the U.S. Attorneys' Office, attorney for the Environmental Protection Agency of the United States of America, and Skadden, Arps, Slate, Meagher & Flom (Mitchell Bernstein, Esq., appearing) attorneys for the Chessie System Railroads, all having appeared on said Application, and the Court having reviewed the Application and considered all of the comments with respect thereto, and the Court being of the opinion that the settlement is in the best interests of the Debtor and the Debtor's estate, and for good and sufficient cause;

It is on this 13th day of December 1983

ORDERED AND ADJUDGED that Borne Chemical Company's Application for approval of the settlement set forth in the Stipulation and Consent Order of Settlement between Borne Chemical Company and The Rolfite Company in the litigation presently pending in the Superior Court of New Jersey, Chancery Division, Union County, Docket No. C-5071-79 entitled Borne Chemical Company, Inc., et al. vs. The Rolfite Company, et al., be and the same is hereby approved.


D. Joseph DeVito
Bankruptcy Judge

B

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Gateway I
Newark, New Jersey 07102
(201) 622-2235
Attorneys for Debtor-in-Possession

DEC 13 1 20 PM '83

U.S. DISTRICT COURT

AND SOLE AND EXCLUSIVE
DEPT.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In the Matter of:

: (Hon. D. Joseph DeVito)

BORNE CHEMICAL COMPANY, INC.,
a corporation of the State of
New Jersey,

: Chapter 11
No. 80-00495

Debtor-in-Possession. :

ORDER APPROVING SETTLEMENT

This matter having been opened to the Court on the return date of an Order to Show Cause filed by Crummy, Del Deo, Dolan & Purcell, co-counsel to the Debtor-in-Possession herein ("Borne") seeking the approval of this Court of a Stipulation and Consent Order between Borne and The Rolfite Company ("Rolfite") and other named defendants in settlement of litigation pending in the Superior Court of New Jersey, Chancery Division, Union County, Docket No. 5071-79 under terms as are set forth in the Stipulation and Consent Order of Settlement annexed to Borne's Application to this Court, and notice of the Application and Order to Show Cause having been given by Borne pursuant to this Court's Order to Show Cause dated December 1, 1983, and a hearing having been held by this Court on December 12, 1983, upon the Application in the presence of Crummy, Del Deo, Dolan & Purcell (Donald H. Steckroth, Esq. appearing); Robert

The within settlement has been duly and properly approved by the parties and the attorneys representing said parties have been authorized and directed to consent to the entry of the within Order on their behalf.

The Court having considered the above Stipulation and Agreement of Settlement, and having found the terms therein to be reasonable, and the Court having noted the consent of the attorneys for the interested parties annexed hereto, and for good cause shown.

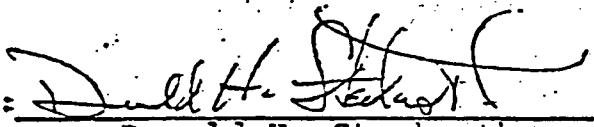
It is on this 6th day of January 1984

ORDERED, that the Stipulation and Agreement of Settlement as set forth above and as consented to by the parties be and the same is hereby approved, incorporated and made a part of this Order in its entirety.


Edward W. McGrath, J.S.C.

The undersigned hereby consent to the form and entry of the within Order.

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Attorneys for Plaintiffs

By: 
Donald H. Steckroth

PITNEY, HARDIN, KEPP & SZUCH
Attorneys for Defendants, The
Rolfite Company, Tetrahedron, Inc.
Estate of Roger Gilbert, Anthony
Alexandre and H. Norman Schenck

By: 

Within five (5) days thereafter, Borne shall have the right to make application to this Court, upon affidavit certifying that the payment or removal has not been made, for a judgment of this Court against the defendant Rolfite in the sum of the note plus accrued interest and/or directing immediate removal. The said defendant Rolfite agrees to the entry of such judgment against it upon submission to this Court of a certifying affidavit and notice of the application and affidavit being given to it.

4. All claims and/or causes of action between and among the plaintiffs and the named defendants herein be and the same shall be dismissed with prejudice and without costs upon the entry of this Order.

5. It is a condition of this stipulation that crossclaims against the named defendants be dismissed with prejudice and without costs at or prior to the entry of this Order.

6. The plaintiffs and the named defendants herein shall exchange general releases as to all matters which are or which could have been asserted in the above-captioned litigation.

7. The within settlement is subject to the approval of the United States District Court for the District of New Jersey, Bankruptcy Division. Borne, a Debtor and Debtor-in-Possession under Chapter 11 of the Bankruptcy Code, agrees to expeditiously make application to the Bankruptcy Court and to give notice to necessary parties, including governmental agencies, for an Order approving the within settlement.

into a stipulation and agreement as set forth hereafter and to present the same to the Court for its approval and entry as a Consent Order in the above litigation. The plaintiffs and named defendants agree as follows:

1. The defendant Rolfite shall pay to plaintiff Borne on behalf of itself and the other named defendants herein the sum of \$75,000. This sum shall be paid as follows:

(a) \$19,000 by certified check payable to Crummy, Del Deo, Dolan & Purcell, A Professional Corporation, Attorneys for Borne Chemical Company, Inc. upon entry of this Order in partial settlement of the action.

(b) \$6,000 by certified check payable to Crummy, Del Deo, Dolan & Purcell, A Professional Corporation, Attorneys for Borne Chemical Company, Inc. upon entry of this Order in payment for approximately 600 drums and the contents purchased hereunder.

(c) \$50,000 to be evidenced by a promissory note from Rolfite payable to Borne on or before a date six (6) months immediately following the entry of this Order. Said note shall bear interest at the rate of 14% per annum.

2. Rolfite agrees to purchase from Borne approximately 600 drums and the contents thereof for the sum of \$6,000 to be paid as set forth in Paragraph 1(b) above. Rolfite shall remove the drums and the contents of the drums within 90 days of the entry of this Order.

3. In the event Rolfite defaults in making any payment hereunder when due or in failing to remove the drums and contents within 90 days, pursuant to paragraph 2 supra, and fails to cure said default

CRUMMY, DEL DEO, DOLAN & PURCELL
A Professional Corporation
Attorneys for Plaintiffs
Gateway I
Newark, New Jersey 07102
(201) 622-2235

FILED
JAN 6 1984
FREDERICK C. KENTZ JR.
J. S. C.
ORIGINAL TO KENTZ JR.

BORNE CHEMICAL COMPANY, INC., a
corporation, JOSEPH A. PATRICK and
STUART K. PATRICK,

Plaintiffs,

vs.

THE ROLFITE COMPANY, a corporation
TETRAHEDRON, INC., a corporation;
RIT-CHEM CO., INC., a corporation;
WAYNE E. BOWERS; EDWARD KAYE; ROGER
GILBERT; ANTHONY ALEXANDRE; H. NORMAN
SCHENCK, JR. and HENRY RITELL,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: UNION COUNTY
DOCKET NO. C-5071-79

Civil Action

STIPULATION AND CONSENT
ORDER OF SETTLEMENT

Representatives of the plaintiffs Borne Chemical Company, Inc. ("Borne"), Joseph A. Patrick and Stuart K. Patrick (hereinafter referred to as "plaintiffs") and of the defendants The Rolfite Company ("Rolfite" Tetrahedron, Inc., the Estate of Roger Gilbert, Anthony Alexandre and H. Norman Schenck (hereinafter referred to as "named defendants") having negotiated and discussed settlement and the resolution of the above matter, and the plaintiffs and the named defendants having decided to resolve and settle the matters in dispute between themselves and to

Attached hereto as Exhibit C is a statement from Mr. Bowers as to the nature and composition of the materials contained in the drums which Rolfite wishes to remove from the Borne facility at Elizabeth pursuant to its settlement with Borne.

In the removal process, Rolfite intends to pump as much of the liquid from the drums as is feasible directly into one or more tanktrucks and to transport such liquid in bulk to Rolfite's plant at Shelton, Connecticut where the liquid will be pumped into appropriate storage tanks. The drums and their residual contents of magnesium oxide, in particle or agglomerated form, will be loaded onto one or more trucks such as box trailers for transport to the Rolfite plant. At the plant the drums will be emptied of solid materials and such solid materials will be stored there. We intend that both the liquid and the solid materials will be utilized in Rolfite's process for producing fuel additives.

As discussed during our meeting, Rolfite will engage a carrier known to the New Jersey DEP who would provide a plan for the removal as well as appropriate assurances with respect to the prevention and containment of any spills that might occur during the removal process. With respect to the transport of liquids and of the drums and their contents between Elizabeth, New Jersey and Shelton, Connecticut, we are agreeable to see that manifests for tacking purposes are provided, if you feel that is necessary. R

After a tanktruck is loaded with liquid material and before it leaves the Elizabeth site, its contents would be sampled. A sample will be available to the New Jersey DEP if you deem it necessary.

We will advise you 10 days in advance of loading any materials for transport so that appropriate personnel of the New Jersey DEP may be on the site when the sampling is done, at the time of removal of liquids and at the time of removal of the drums, again should you feel it necessary.

Please let me know as soon as possible if the foregoing proposal is acceptable.

If you would like any further information feel free to contact me by telephone at Rolfite.

Very truly yours,

Robert Hockfield
Robert Hockfield
Secretary

RH/k

cc: Rebecca Fields, DAG
Fred Sickels, DWM

B



THE ROLFITE COMPANY

Advanced Combustion Technology

300 BROAD STREET

STAMFORD, CONNECTICUT 06901

TELEPHONE: 203-327-3151

TWX: 710-474-3245

February 21, 1984

Mr. Philip Yeany
State of New Jersey
Department of Environmental
Protection
Office of Regulatory Services
CN 402
Trenton, N.J. 08625

Dear Mr. Yeany:

Re: Borne Chemical Company site

We appreciate the opportunity to have met with you and your associates of the New Jersey Department of Environmental Protection on February 15, 1984 to discuss the removal of drums and their contents from the Borne Chemical Company site in Elizabeth, New Jersey.

As was explained by the Rolfite representatives, we are endeavoring to comply with the terms of a settlement of litigation between Borne and Rolfite contained in a "Stipulation and Consent Order of Settlement" filed in the Superior Court of New Jersey on January 6, 1984. A copy of the Stipulation is attached to this letter as Exhibit A.

Paragraph 7 of the settlement makes it subject to the approval of the United States District Court for the District of New Jersey, Bankruptcy Division. That approval has been obtained and the relevant document is attached as Exhibit B.

Paragraph 2 of the settlement provides for the purchase by Rolfite of approximately 600 drums and the contents thereof for the sum of \$6,000 and obligates Rolfite to remove the drums and the contents within 90 days following January 6, 1984, the date on which the order was entered by the Superior Court. Without agreeing or disagreeing as to whether the New Jersey DEP has jurisdiction over removal of the drums and their contents, we would like to cooperate with you in arriving at a reasonable basis on which it would be possible for Rolfite to comply with its obligations as approved by the Court(s).

B

MEMO

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO Shirlee Schiffman - Assistant Chief Bureau of Hazardous
Waste Classification and Manifest

FROM Fred Sickels - Principal Environmental
Specialist Bureau of Field Operations - Central Region DATE 2/29/84

SUBJECT Purchase of MgO from Borne Chemical Co by the Rolfite Co,
Shelton Connecticut

I write this memo in the hope that your Bureau can lend me assistance in determining if the subject activity is proper. In the past the Borne Chemical Company blended MgO with various oils for the Rolfite Co because Rolfite did not have the capability for blending. The MgO would be shipped by Rolfite to Borne for blending. During the blending process, a portion of the MgO would precipitate out and collect in the bottoms of the blending vessels. This precipitated material would then be removed from these vessels and placed in fifty-five gallon drums awaiting reblending. When Rolfite developed their own production capability, Borne ceased blending the MgO. Presently there are approximately 600 drums of the precipitated MgO being stored on land leased by the Borne Chemical Co. Borne is now in Bankruptcy Court and Rolfite has agreed to purchase the MgO precipitate for use in their Shelton, Connecticut plant. The attached document may provide more information concerning the above.

My question to you is, is the precipitated MgO a hazardous waste? If it is, then Rolfite will be required to manifest the material and get TSD status for their Shelton, Connecticut plant, correct? Should you require more information, please contact me at 292-5560. Your prompt consideration of this matter is appreciated.

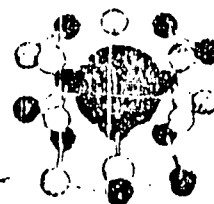


FOC4:efw
Attachment:

B

Stablex-Reutter Inc.

Ninth and Cooper Streets • P. O. Box 499
Camden, New Jersey 08101
Telephone: (609) 541-6700 TWX: 834477



February 10, 1982

NJDEP
Solid Waste Division
32 Hanover Street
Trenton, NJ 08625

Attention: Mr. Wayne Howitz, Hazardous Waste Bureau

Reference: Test Report No. SR6449

This report covers the analysis of four (4) oil samples submitted to Stablex-Reutter, Inc. (S-R) on January 22, 1982. The samples were submitted for the following analyses:

- Organics
 - Volatile Aromatic Hydrocarbons
 - Volatile Halogenated Hydrocarbons
 - Polychlorinated Biphenyls
 - Oil and Grease
- Physical
 - Flashpoint

This test report is organized in the following manner:

- Sample Preparation
- Analysis
- Analytical Results

I. Sample Preparation

Organic Preparatory Work

A known weight (1.00 grams \pm 0.05 grams) of homogenized sample is quantitatively transferred to a centrifuge tube and shaken vigorously with 10 ml of pesticide grade methanol for five minutes. The mixture is allowed to separate, and is then centrifuged to facilitate separation of the two phases. An aliquot of the methanol layer is then analyzed by Gas Chromatography for volatile halogenated organics, volatile aromatic compounds and Polychlorinated Biphenyls. Any required dilutions are done with pesticide grade methanol.

Attachment C

Stablex-Reutter Inc.

NJDEP
Solid Waste Division
Test Report No. SR6649
February 10, 1982
Page 2 of 5

The samples were also prepared for Polychlorinated Biphenyl Analysis using procedures in the following reference.

- EPA-EMSL-The analysis of Polychlorinated Biphenyls In Transformer Fluids & Waste Oils, 1980.

II. Analysis

Following preparation, the samples were analyzed as described in the following publications.

- Methods 601, 602 Federal Register, Vol. 44 No. 233, December 3, 1979. (Columns and CC conditions for aromatics and volatile halogenated organics).
- EPA-EMSL - The Analysis of Polychlorinated Biphenyls In Transformer Fluids and Waste Oils, 1980. (Columns and CC conditions for PCB's, as well as GC/MS conditions for PCB confirmation.)
- ASTM Method D-56-Standard Method of test for Flash Point by tag closed tester.
- EPA - Test Methods for Evaluating Solid Waste-Physical/Chemical Methods-SW846-1980. (Procedure for oil and grease determination, partition Gravimetric procedure).

The volatile halogenated organics and Polychlorinated Biphenyls were analyzed on the Hall Electrolytic Conductivity Detector. The aromatics were analyzed using a Photoionization Detector. PCB's were confirmed by GC/MS/DS.

III. Analytical Results

The parameters analyzed and results are delineated in the following tables. The interlaboratory variability of the parameters analyzed in the type of sample matrix submitted has not been established by EPA, and could be at least $\pm 20\%$. S-R is currently evaluating the variability of all tests performed for NJDEP in different types of matrices.

C

Stablex-Reutter Inc.

HJDER

Solid Waste Division

Test Report No. SR6449

February 10, 1982

Page 3 of 5

Volatile Aromatic Hydrocarbon Screen

Sample and Designation

Constituent	TK-32 SR6449-1 A1127	42 SR6449-2 A1128	27 SR6449-3 A1130	29 SR6449-4 A1131	SR6449-2 Dup. A1128 Dup.	SR6449-1 + Spike	
						Amount of Spike	% Recovery
Benzene	<1	<1	<1	<1	<1	300	111
Toluene	28,000	11,000	410	11,000	13,000	1000	100
Xylenes, total	<1	950	<1	<1	780	---	---
Ethylbenzene	<1	<1	<1	<1	<1	---	---

Volatile Halogenated Hydrocarbon Screen

Sample and Designation

Constituent	SR6449-1 A1127	SR6449-2 A1128	SR6449-3 A1130	SR6449-4 A1131	SR6449-2 Dup. A1128 Dup.	SR6449-1 + Spike	
						Amount of Spike	% Recovery
Vinyl Chloride	<1	<1	<1	<1	<1	---	---
Methylene Chloride	14	15	1.2	20	8.0	---	---
Chloroform	3.7	3.7	<1	16	7.2	770	150
Carbon Tetrachloride	<1	<1	<1	<1	<1	---	---
Dibromochloromethane	<1	<1	<1	<1	<1	---	---
bromodichloromethane	<1	<1	<1	<1	<1	---	---
1,1,1 Trichloroethane	<1	3000	<1	<1	2500	400	160
1,1,2 Trichloroethane	<1	<1	<1	<1	<1	---	---
Trichloroethylene	2.6	26	<1	150	17	397	60
Tetrachloroethylene	13	140	<1	1200	80	400	140
1,2 Dichloroethane	<1	<1	<1	<1	<1	---	---
1,1 Dichloroethylene	<1	<1	<1	<1	<1	---	---
1,1 Dichloroethane	<1	<1	<1	<1	<1	---	---
1,2 Dichloropropane	<1	<1	<1	<1	<1	---	---
2-Chloroethylvinyl Ether	<1	<1	<1	<1	<1	---	---
Bromoform	<1	<1	<1	<1	<1	---	---
1,1,2,2,-Tetrachloroethane	<1	<1	<1	<1	<1	---	---
Chlorobenzene	<1	<1	<1	<1	<1	---	---

All results are in micrograms of constituent per gram of sample.

Dup. - Duplicate Analysis

C

Stablex-Reutte Inc.

NJDEP

Solid Waste Division

Test Report No. SR6449

February 10, 1982

Page 4 of 5

Polychlorinated Biphenyl Analysis

Quantitative Analysis by CC

Sample and Designation

<u>Constituent</u>	<u>SR6449-1</u>				<u>SR6449-1 + Spike</u>	
	<u>A1127</u>	<u>A1128</u>	<u>A1130</u>	<u>A1131</u>	<u>Amount of Spike</u>	<u>% Recovery</u>
Polychlorinated Biphenyl fragments, Total as Arochlor 1254, ug/gram						
Primary Analysis	320	1200	<1.0	1200	225	84
Confirmatory analysis	340	1200	<1.0	1600	---	---

Primary column - 1.5% SP-2250; 1.95% SP-2401 on 100/120 Supelcoport

Confirmatory Column - 4% SE-30; 6% SP2401 on 100/120 Supelcoport

Qualitative Confirmation by CC/MS/DS

Sample No. 6449-2 and 6449-4 were confirmed by CC/MS/DS using a forward search against the SR priority pollutant library as well as against the NBS Library. The technique of multiple interval scanning was used against the characteristic ions listed below, setting the characteristic ions at the centroid of the interval.

<u>PCB Compound</u>	<u>Target Ions*</u>			<u>Scan interval</u>
Arochlor 1016	224	260	294	185 - 230
Arochlor 1221	190	224	260	
Arochlor 1242	224	260	294	255 - 300
Arochlor 1248	294	330	362	325 - 370
Arochlor 1254	294	310	362	
Arochlor 1260	330	362	394	385 - 400

* From Federal Register, Vol. 44 No. 233, Dec. 3, 1979, Method 625.

C

Stablex-Reutter Inc.

NJDEP

Solid Waste Division

Test Report No. SR6449

February 10, 1982

Page 5 of 5

Using the above multiple interval scanning procedure, the following Polychlorinated Biphenyl fragments were identified.

Qualitative CC/MS/DS Scan for PCB's

<u>Sample and Designation</u>	<u>Polychlorinated Biphenyl Fragment Peaks</u>	<u>Fit*</u>
SR6449-2 (A1128)	1,1' - Biphenyl, 2,2' - Dichloro	998
	1,1' - Biphenyl, 2,4 - Dichloro	938
	(1,1' - Biphenyl)-4 ol, 3-Chloro	948
SR6449-4 (A1131)	1,1' - Biphenyl, 2,2' - Dichloro	992
	1,1' - Biphenyl, 2- Chloro	951
	1,1' - Biphenyl, 4- Chloro	954

A Fit of 850 or above is considered as positive identification of the analyte against the library, with 1000 being a perfect fit.

Miscellaneous Analysis

<u>Parameter</u>	<u>Sample and Designation</u>			
	<u>32</u> SR6449-1 A1127	<u>42</u> SR6449-2 A1128	<u>27</u> SR6449-3 A1130	<u>29</u> SR6449-4 A1131
Flash Point, °F closed cup	>180	175	>180	>180
Oil and Grease, %	79	75	.098	82

If you have any questions concerning the above analysis, please don't hesitate to contact me.

Respectfully submitted,

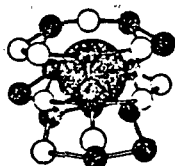
STABLEX-REUTTER, INC.

William J. Ziegler

William J. Ziegler
Laboratory Manager

WJZ/bb

C



"SOLUTIONS
START
HERE"

Stablex-Reutter Inc.

28 Springdale Road
P.O. Box 4201
Cherry Hill, NJ 08003

Phone: 609-541-6700
Telex: 834477

November 19, 1984

NJDEP
Division of Waste Management
120 Rt. 156
Yardville, NJ 08620

Attention: Mr. Wayne Howitz

Reference: Test Report No. SR10445, DWM Sample Nos. FAS018, FAS019, FAS020

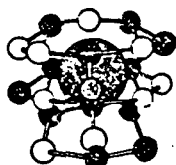
This report covers the analysis of three (3) non-aqueous samples submitted to Stablex-Reutter, Inc. (S-R) on November 9, 1984. The following analyses were requested:

- . Purgeable Organics
- . Polychlorinated Biphenyls
- . Petroleum Hydrocarbons by GC
- . Inorganic Parameters

This report is organized in the following manner:

- . Analysis
- . Analytical Results
- . Quality Assurance Data
- . Method Detection Limits and Accuracy Statements

C



Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

NJDEP
Test Report No. SR10445
November 19, 1984
Page 2

Phone: 609-541-6700
Telex: 834477

" SOLUTIONS
START
HERE "

I. Analysis

Acid Extractable and Base/Neutral Extractable Organics

Solid and soil samples are prepared according to the following procedure:

A known weight of sample is soxhlet-extracted with 70 ml of pesticide-grade methylene chloride for a minimum of three hours. The extract is then transferred to a Kuderna-Danish apparatus and evaporated over a hot water bath to a volume of 10 milliliters.

Oil samples are prepared by diluting a known weight of sample in methylene chloride.

Aqueous samples are prepared according to the following procedure:

A known volume of sample is adjusted with 6 M NaOH to $\text{pH} \geq 12$. The sample is extracted three times with pesticide-grade methylene chloride and the extracts combined in a Kuderna-Danish (K-D) apparatus. The sample is then adjusted with 6M HCl to a $\text{pH} \leq 2$ and extracted three more times with methylene chloride. These extracts are combined in a second K-D apparatus. Both sets of extracts are then evaporated over a hot water bath to a final volume of 10 milliliters

Analysis of the above extracts is carried out by capillary column GC/MS/DS in accordance with the following method:

- EPA Method 625, Federal Register, Vol. 44, No. 233, December 3, 1979.

Purgeable Organics

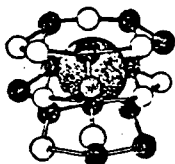
Non-aqueous samples are prepared by adding a known weight of sample to a screw-cap test tube with 10 ml of methanol. The tube is sealed, agitated and allowed to sit in a freezer for no less than 1 hour. An aliquot of the methanol extract is then transferred to a 35 ml purge vessel along with 30 ml of DI Water, and an internal reference standard added for recovery purposes.

Aqueous samples are prepared by transferring an aliquot of the sample directly to a 35 ml purge vessel along with an internal reference standard.

Samples are then analyzed by purge-and-trap GC/MS/DS in accordance with the following method:

- EPA Method 624, Federal Register, Vol. 44, No. 233, December 3, 1979.

C



Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

Phone: 609-541-6700
Telex: 834477

"SOLUTIONS
START
HERE"

NJDEP
Test Report No. SR10445
November 19, 1984
Page 3

Pesticides and Polychlorinated Biphenyls

Aqueous and solid samples are prepared in accordance with the methods outlined under "Acid Extractables and Base/Neutral Extractable Organics." Following evaporation in the Kuderna-Danish apparatus, the extract is then solvent exchanged to hexane and eluted through a 20-gram florisil column with 50% petroleum ether in diethyl ether for cleanup.

Oil samples are prepared by adding a known amount of sample to a 20 gram florisil column, and eluting with 50% petroleum in diethyl ether. The analysis was conducted according to the procedures as described in:

- EPA Method 608, Organochlorine Pesticides and PCB's, Federal Register, Vol. 44, No. 233, December 3, 1979.

Petroleum Hydrocarbons by GC

The samples were analyzed according to the following methodology:

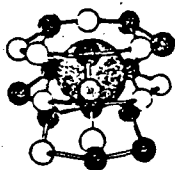
- ASTM D3328-78 Comparison of Waterborne Petroleum Oils by Gas Chromatography.

Inorganic Parameters

Aqueous, non-aqueous and solid samples are prepared and analyzed according to the following publications:

- EPA Test Methods for Evaluating Solid Wastes - Physical/Chemical Methods - SW846, 1982.
- Standard Methods for the Examination of Water and Wastewater, 15th edition.
- EPA Chemical Analysis of Water and Wastes, EPA-600, 1979.
- ASTM Method D93, Test for Flashpoint by Pensky-Martens Closed Tester.
- Federal Register, Vol. 45, No. 98, May 19, 1980, Section 261.23 (Characteristic of Reactivity).
- Federal Register, Vol. 45, No. 98, May 19, 1980, Section 261.22 (Characteristic of Corrosivity).

C



Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

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NJDEP

Test Report No. SR10445

November 19, 1984

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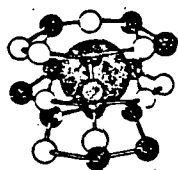
Phone: 609-541-6700
Telex: 834477

Purgeable Organic Compounds (Method 624)

Sample Designation

<u>Constituent</u>	<u>10445-1 FAS018</u>	<u>10445-1 Duplicate</u>	<u>10445-2 FAS019</u>	<u>10445-3 FAS020</u>	<u>Blank</u>
Chloromethane	<10	<10	<10	<10	<10
Bromomethane	<10	<10	<10	<10	<10
Vinyl chloride	<10	<10	<10	<10	<10
Chloroethane	<10	<10	<10	<10	<10
Methylene chloride	<10	<10	<10	<10	<10
1,1-Dichloroethylene	<10	<10	<10	<10	<10
1,1-Dichloroethane	<10	<10	<10	<10	<10
trans-1,2-Dichloroethylene	<10	<10	<10	<10	<10
Chloroform	<10	<10	<10	<10	<10
1,2-Dichloroethane	<10	<10	<10	<10	<10
1,1,1-Trichloroethane	<10	<10	<10	<10	<10
Carbon tetrachloride	<10	<10	<10	<10	<10
Bromodichloromethane	<10	<10	<10	<10	<10
1,2-Dichloropropane	<10	<10	<10	<10	<10
trans-1,3-Dichloropropene	<10	<10	<10	<10	<10
Trichloroethylene	<10	<10	<10	<10	<10
Dibromochloromethane	<10	<10	<10	<10	<10
Benzene	<10	<10	<10	<10	<10
1,1,2-Trichloroethane	<10	<10	<10	<10	<10
cis-1,3-Dichloropropene	<10	<10	<10	<10	<10
2-Chloroethyl vinyl ether	<10	<10	<10	<10	<10
Bromoform	<10	<10	<10	<10	<10
1,1,2,2-Tetrachloroethane	<10	<10	<10	<10	<10
Tetrachloroethylene	<10	<10	40	<10	<10
Toluene	<10	<10	570	<10	<10
Chlorobenzene	<10	<10	<10	<10	<10
Ethyl benzene	<10	<10	200	<10	<10
Units	(ppm)	(ppm)	(ppm)	(ppm)	(ppm)

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Polychlorinated Biphenyls

<u>Constituent</u>	<u>Sample Designation</u>				
	10445-1 FAS018	10445-1 Duplicate	10445-2 FAS019	10445-3 FAS020	Blank
Polychlorinated Biphenyls, as Arochlor 1242, ppm	<2	<2	<15	<15	<3
Polychlorinated Biphenyls, as Arochlor 1260, ppm	<5	<5	<25	<25	<3

Petroleum Hydrocarbons by GC/FID

<u>Constituent</u>	<u>Sample Designation</u>				
	10445-1 FAS018	10445-1 Duplicate	10445-2 FAS019	10445-3 FAS020	Blank
#2 Fuel Oil, %	<1	<1	<1	<1	<1
Gasoline, %	<1	<1	<1	<1	<1
Kerosene, %	<1	<1	<1	<1	<1

Reactivity

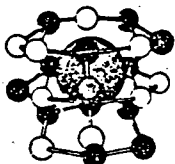
The observations for Reactivity were as follows:

- . The samples did not undergo violent changes under normal conditions.
- . The samples did not react violently or form a potentially explosive mixture with water.
- . The samples did not appear readily capable of detonation or explosive decomposition or reaction at standard temperature or pressure.
- . The determination of reactive cyanide and sulfide were as follows:

<u>Parameter</u>	<u>Sample Designation</u>		
	10445-1 FAS018	10445-2 FAS019	10445-3 FAS020
Sulfide, ppm	<10; <10*	<10	<10
Cyanide, ppm	<5; <5*	<5	<5

* Duplicate Analysis

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Test Report No. SR10445

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EP Extractables

<u>Parameter</u>	<u>Sample Designation</u>			<u>EP Toxicity Limits</u>
	10445-1** FAS018	10445-2* FAS019	10445-2* Duplicate	
Arsenic, total, ug/ml	<0.05	0.06	<0.05	5.0
Barium, total, ug/ml	0.12	0.11	0.11	100
Cadmium, total, ug/ml	<0.1	<0.1	<0.1	1.0
Chromium, total, ug/ml	0.36	0.56	0.62	5.0
Lead, total, ug/ml	<1	<1	<1	5.0
Mercury, total, ug/ml	<0.02	<0.02	<0.02	0.2
Selenium, total, ug/ml	<0.1	<0.1	<0.1	1.0
Silver, total, ug/ml	0.2	<0.1	<0.1	5.0

<u>Parameter</u>	10445-3** FAS020	<u>Blank</u>	<u>EP Toxicity Limits</u>
Arsenic, total, ug/ml	0.06	<0.05	5.0
Barium, total, ug/ml	0.14	0.11	100
Cadmium, total, ug/ml	<0.1	<0.1	1.0
Chromium, total, ug/ml	1.0	<0.1	5.0
Lead, total, ug/ml	<1	<1	5.0
Mercury, total, ug/ml	<0.02	<0.02	0.2
Selenium, total, ug/ml	<0.1	<0.1	1.0
Silver, total, ug/ml	<0.1	<0.1	5.0

* Biphase filtrate - solid digestion performed.

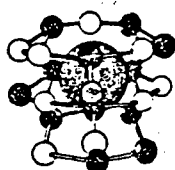
** Single phase filtrate - solid digestion for uniformity with FAS019.

Flashpoint and pH

<u>Parameter</u>	<u>Sample Designation</u>			
	10445-1 FAS018	10445-2 FAS019	10445-2 Duplicate	10445-3 FAS020
Flashpoint, closed cup, °F	>180	115	114	>180
pH, units	7.24; 7.25*	7.97; 7.94*	---	6.03; 6.05*

*Duplicate Analysis

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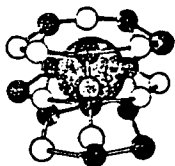
NJDEP
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Purgeable Organic Compounds

SR10445-1 plus Spike

<u>Constituent</u>	<u>Amount of Spike, ug</u>	<u>% Recovery</u>
Chloromethane	1.0	71
Bromomethane	1.0	92
Vinyl chloride	1.0	73
Chloroethane	1.0	78
Methylene chloride	1.0	110
1,1-Dichloroethylene	1.0	77
1,1-Dichloroethane	1.0	79
trans-1,2-Dichloroethylene	1.0	75
Chloroform	1.0	78
1,2-Dichloroethane	1.0	74
1,1,1-Trichloroethane	1.0	79
Carbon tetrachloride	1.0	58
Bromodichloromethane	1.0	78
1,2-Dichloropropane	1.0	81
trans-1,3-Dichloropropene	1.0	85
Trichloroethylene	1.0	86
Dibromochloromethane	1.0	82
Benzene	1.0	85
1,1,2-Trichloroethane	1.0	82
cis-1,3-Dichloropropene	1.0	82
2-Chloroethyl vinyl ether	1.0	83
Bromoform	1.0	78
1,1,2,2-Tetrachloroethane	1.0	85
Tetrachloroethylene	1.0	83
Toluene	1.0	89
Chlorobenzene	1.0	88
Ethyl benzene	1.0	91

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Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

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Polychlorinated Biphenyls

SR01445-2 plus Spike

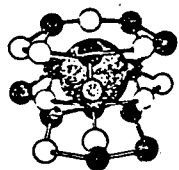
<u>Constituent</u>	<u>Amount of Spike, ppm</u>	<u>% Recovery</u>
Polychlorinated Biphenyls, as Arochlor 1242	530	77

EP Extractables

10445-EP plus spike

<u>Parameter</u>	<u>Amount of Spike</u>	<u>% Recovery</u>
Arsenic	500	31
Barium	500	98
Cadmium	500	94
Chromium	500	93
Lead	500	95
Mercury	20	71
Selenium	500	114
Silver	500	32

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Ninth and Cooper Streets
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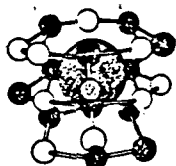
Phone: 609-541-6700
Telex: 834477

IV. Method Detection Limits and Accuracy Statements

Purgeable Organic Compounds (Method 624)

<u>Constituent</u>	<u>Method Detection Limit (MDL), ug/g</u>	<u>Precision % RSD</u>	<u>Accuracy, ($\bar{P} + 2sp.$)</u>
Chloromethane	1.0	38	111 + 76
Bromomethane	1.0	16	94 + 32
Vinyl chloride	1.0	24	108 + 47
Chloroethane	1.0	14	98 + 27
Methylene chloride	1.0	12	101 + 23
1,1-Dichloroethylene	1.0	14	100 + 28
1,1-Dichloroethane	1.0	13	97 + 26
trans-1,2-Dichloroethylene	1.0	19	118 + 38
Chloroform	1.0	11	107 + 22
1,2-Dichloroethane	1.0	18	113 + 37
1,1,1-Trichloroethane	1.0	14	108 + 27
Carbon tetrachloride	1.0	14	97 + 29
Bromodichloromethane	1.0	10	110 + 21
1,2-Dichloropropane	1.0	10	103 + 21
trans-1,3-Dichloropropene	1.0	7.0	106 + 14
Trichloroethylene	1.0	15	99 + 30
Benzene	1.0	17	109 + 34
Dibromochloromethane	1.0	8.5	105 + 17
1,1,2-Trichloroethane	1.0	11	108 + 22
cis-1,3-Dichloropropene	1.0	12	109 + 23
2-Chloroethylvinyl ether	1.0	9.5	109 + 19
Bromoform	1.0	20	116 + 39
1,1,2,2-tetrachloroethane	1.0	13	111 + 26
Tetrachloroethylene	1.0	14	100 + 29
Toluene	1.0	20	98 + 39
Chlorobenzene	1.0	20	93 + 40
Ethyl Benzene	1.0	22	100 + 43

C



Stablex-Reutter Inc.

Ninth and Cooper Streets
P.O. Box 499
Camden, New Jersey 08101

"SOLUTIONS
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Phone: 609-541-6700
Telex: 834477

NJDEP
Test Report No. SR10445
November 19, 1984
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Polychlorinated Biphenyls

<u>Constituent</u>	<u>Method Detection Limit, ug/l</u>	<u>Precision % RSD</u>	<u>Accuracy, % (P + 2sp.)</u>
Polychlorinated Biphenyls, total as Arochlor 1260	5.0	17	95 \pm 34

Heavy Metals (EP Extractable)

<u>Parameter</u>	<u>Method Detection Limit, ug/ml</u>	<u>Precision % RSD</u>	<u>Accuracy, %</u>
Antimony	0.002	23	84 \pm 76
Arsenic	0.002	18	94 \pm 19
Beryllium	0.010	20	91 \pm 18
Cadmium	0.004	12	98 \pm 11
Chromium	0.026	10	107 \pm 22
Copper	0.050	3.9	96 \pm 14
Lead	0.043*	12	101 \pm 19
Mercury	0.001	25	97 \pm 28
Nickel	0.036	5.2	94 \pm 22
Selenium	0.001	17	89 \pm 24
Silver	0.009	13	84 \pm 52
Thallium	0.10	8.9	92 \pm 24
Zinc	0.010	17	36 \pm 14

* Requires concentration of the sample prior to analysis.

Should the State of New Jersey have any questions concerning this analysis,
please don't hesitate to contact me.

Respectfully submitted,

STABLEX-REUTTER, INC.

Ian C. Lambert
Laboratory Manager



DEC: Anthony Parro, HSMA
Arny McMahon, HSMA
R. Ca Fields, DAG
John Renella, ORS
Fred Sickels, BFO
Marja VanOuwesker, HSMA

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

HAZARDOUS SITE MITIGATION ADMINISTRATION
ON 028, Trenton, N.J. 08625

MARWAN M. SADAT, P.E.
DIRECTOR

JORGE H. BERKOWITZ, PH.D.
ADMINISTRATOR

*Soils
Results*

8 FEB 1985

Fred Rubel
Emergency Response Branch
USEPA - Region II
Woodbridge Avenue
Edison, NJ 08837

Re: Borne Chemical Site

Dear Mr. Rubel:

In October 1984, NJDEP performed a limited sampling program at the Borne Chemical Site. The results indicate extensive soil contamination with volatile organics, base/neutral compounds and heavy metals. Analyses for total petroleum hydrocarbon indicate soil contamination ranging from 62,000 to 312,000 mg/kg (NJDEP regulates levels above 100 mg/kg as hazardous waste). These data were previously submitted to Gad Twadros for review.

In addition, representative samples were obtained from drums recently discovered on the site. The data identifies the material as waste oils, mineral oil, and some drums of solvents.

Based on this information and the bankrupt financial situation of the operating company, NJDEP intends to provide remedial measures at this site utilizing State Funds. Initially, an extensive sampling program will be performed, followed by the implementation of a remedial program. NJDEP will also determine if the new analytical data will alter the present Hazard Ranking Score for the site. (Presently not eligible for the NPL.)

NJDEP will continue to advise the USEPA regarding the status of this site. If you have any questions please do not hesitate to contact the assigned site manager, Chris Altomari, (609) 984-3074. Thank you.

Very truly yours,

Jorge H. Berkowitz
Dr. Jorge H. Berkowitz
Administrator

HS54:cd

20-04-07

Form ADM-015A
11/82

State of New Jersey
Department of Environmental Protection

REFERRAL FORM

Date 1-11-85

TO

FROM

Rebecca Fields, DAG
8th Flr West Wing
Justice Complex

Chris Altomai
ASMA/NJDEP
TELEPHONE EXT. 4-3074

For Your	<input type="checkbox"/> ACTION	<input type="checkbox"/> APPROVAL	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> REVIEW
	<input type="checkbox"/> COMMENTS	<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> FILE	<input type="checkbox"/> _____

Attached is additional data from the Borne Chemical site - total petroleum hydrocarbons. State regulates at 100 ppm - classified as hazardous waste and requires disposal at a hazardous waste facility. Concentrations at Borne vary from:

Lagoon	105,000 ppm
Tank farm	312,000 ppm
Loading area	106,000 ppm
drum area	62,000 ppm
Railroad bed	170,000 ppm (drainage from site)

cc: John Renella, ORS
Fred Sickles, BFO

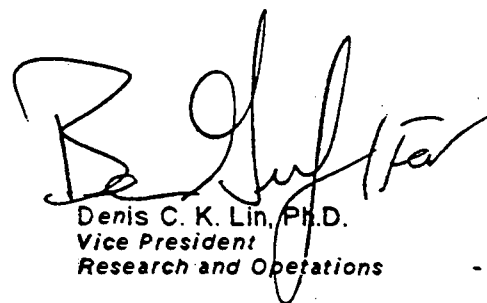
D

1/7/85

Technical Report
for
NJDEP
8 EAST HANOVER STREET
TRENTON, NJ 08625

Chain of Custody Data Required for ETC Data Management Summary Reports

G0335-G0339	NJDEP	NJDBORNE						
ETC Sample No.	Company	Facility	Sample Point	Date	Time	Hours		


Denis C. K. Lin, Ph.D.
Vice President
Research and Operations

DEC 6, 1984

Conventional Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports						
ETC Sample No.	Company	Facility	Sample Point	Date	Time	Elapsed Hours
G0338	NJ DEP	NJDBORNE	SLAGOON	841003		

NPDES Number	Compound	Results						
		Sample Concen. mg/kg	MDL mg/kg					
D	Petroleum Hydrocarbons (IR)	1.05E+05	5					

TABLE 1: QUANTITATIVE RESULTS and QUALITY ASSURANCE DATA

Conventional Analysis Data (QR12)

Chain of Custody Data Required for ETC Data Management Summary Reports

G0338 NJ DEP

NJDBORNE

SLOADRACK

841003

ETC Sample No.

Company

Facility

Sample Point

Date

Time

Elapsed
Hours

NPDES Number	Compound	Results								
		Sample Concen. mg/kg	MDL mg/kg							
D	Petroleum Hydrocarbons (IR)	1.06E+05	5							



20-04-07

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

HAZARDOUS SITE MITIGATION ADMINISTRATION
CN 028, Trenton, N.J. 08625

MARYAN M. SADAT, P.E.
DIRECTOR

JORGE H. BERKOWITZ, Ph.D.
ADMINISTRATOR

MEMORANDUM

TO REBECCA FIELDS, DAG
FROM: ANTHONY MCMAHON, CHIEF, BISE *Tony*
SUBJECT: BORNE CHEMICAL COMPANY, INC.
CASE NO. 80-00495 DV

In response to your memorandum of December 19, 1984, we have reviewed carefully the ECRA applicability issue concerning Borne Chemical. It is our opinion that the blending operation and the tank farm should be considered separate and individual places of business. As such the sale of the blending operation would be subject to ECRA and the sale of the tank farm would not.

ECRA provides that Industrial Establishments must meet certain administrative and environmental conditions prior to the sale or transfer. An Industrial Establishment is defined in ECRA as "any place of business engaged in operations which involve...hazardous substances in waste on site, above or below ground, having a Standard Industrial Classification number with 22-39 inclusive, 46-49 inclusive, 51 or 76..."

For Borne Chemical, it has been determined that the blending business is located at 632-650 S. Front St., Elizabeth. This place of business is also known as Block 4, Lot 1469 in the City of Elizabeth. The Tank Farm is located at 600-616 S. Front St., Elizabeth, also known as Block 4, Lot 1468. As you can see, the businesses are on separate lots and have different non-contiguous addresses.

Since the blending business and the tank farm were not in any way interdependent, that is, substances stored in the tank farm were not used in the blending process and neither products nor raw materials involved in the blending business were stored at the tank farm, we consider these separate businesses owned by the same company.

Looking at ECRA applicability these as separate places of business, the blending business has an SIC Number of 2992 and is handling hazardous substances. It's sale would therefore trigger ECRA. The tank farm was a "petroleum and chemical bulk station and terminal for hire" and therefore classified as SIC 4226 and not subject to ECRA.

Attachment E

I hope this explains our positions and its basis. If any questions arise please call Joe Douglass or me at 3-7141.

HS31:dr

cc: Dr. Jorge Berkowitz, HSMA
Anthony Farro, Chief, BSM
Chris Altomari, Site Manager, BSM
Fred Sickels, DWM Enforcement
Joe Douglas, Case Manager, BISE
Joe Schmitt, ORS

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO Vince Krisak *JK*
FROM Fred Sickels *FS* DATE December 18, 1984
SUBJECT Borne Chemical, S. Front Street, Elizabeth 20-04-07

December 13, 1984 -

1355 hrs. - I arrive on site and meet Mr. Ed Cincotta. I request to observe the progress being made in identifying and segregating the drums in Building C. Mr. Cincotta accompanies me to the drum storage area. Presently Mr. Cincotta is separating empty drums and known materials into appropriate groups. On oils he is running flash-point analyses. To this date he has handled approximately 150 drums, with 50% containing identifiable materials and approximately 20 being empty. He is presently placing identification marks on the drums and compiling a list of all drums on this site. Most of the materials appear to be polymers and #4 fuel oil. Many of these materials are in their original containers.

Drums which are open topped are having lids put in place. Drums of like material which are not full, are being consolidated so that each container is filled to capacity. This operation is being conducted with a pump.

Mr. Cincotta estimated that the identification and segregation program would be completed within a month.

Mr. Cincotta informed me that samples of oil taken previously (FAS 018,020) may have been vegetable based oils. Also, the low viscosity, low flash-point material sampled (FAS019) may have been a drying agent.

I will inspect this site again in early January.

c: Rebecca Fields - DAG
Chris Altamari - HSMA
Tony McMahan - ECRA

FOC4:ekp

E

20-04-07



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

MARWAN M. SADAT, P.E.
DIRECTOR

HAZARDOUS SITE MITIGATION ADMINISTRATION
CN 028, Trenton, N.J. 08625

JORGE H. BERKOWITZ, PH.D.
ADMINISTRATOR

MEMORANDUM

TO: Rebecca Fields, DAG

30 NOV 1984

THROUGH: Anthony J. McMahon, Chief
Bureau of Industrial Site Evaluation

FROM: Joseph R. Douglass, Principal Environmental Specialist
Bureau of Industrial Site Evaluation

SUBJECT: Borne Chemical Company
Elizabeth, Union County

On November 14, 1984, NJDEP met with representatives of the Borne Chemical Company to continue discussion of Borne's bankruptcy status, its desire to sell its property and operations, and the applicability of ECRA to the proposed sale. The meeting was attended by the following:

Frank Veccione, Attorney for Borne
Tim O'Neil, Borne's Trustee in Bankruptcy
Rebecca Fields, Deputy Attorney General
John Renella, Office of Regulatory Services
Fred Sickles, DWM Bureau of Field Operations
Joseph Douglass, DWM Bureau of Industrial Site Evaluation

A key issue discussed at the meeting was the applicability of ECRA to the entire site. Borne has expressed a desire to sell its blending operation, located on what is referred to as Parcel A. NJDEP has maintained the position that the sale of Parcel A would render Parcels A and C subject to ECRA and may also render Parcel B subject. Parcels A and C were used together in Borne's blending operations. Borne has indicated that Parcel B was used as a bulk petroleum terminal for hire, an operation having a standard industrial classification (SIC) number 4226, which is not subject to ECRA. (At the meeting, I told Borne that the SIC number for their stated operation at Parcel B fell within the range that is subject to ECRA. When I later double checked the SIC number, I discovered I had made a mistake and that the SIC number for operation of a bulk petroleum terminal for hire is not subject to ECRA. I relayed this information to you by phone as soon as possible, and I trust you have notified Mr. Veccione of my error.) However, NJDEP has not been satisfied that the operations at Parcel B are not subject to ECRA. Borne has indicated that they have used fuel oil from Parcel B for heating purposes at Parcel A. Also, there are indications that Parcel B and C were used together for the operations centered at Parcel B, which provides an indirect connection between the operations at Parcels A and B. Finally, to my knowledge, Borne has not provided documentation affirming their contention that Parcel B was only used as a bulk

E

Memo to Rebecca Field
Re: Borne Chemical
Page Two

petroleum terminal for hire. It seems probable that the tank farm was originally constructed for use in connection with the blending operations at Parcel A and that Borne leased the tanks in Parcel B when they found that they had no further need for them in the blending operations. To resolve this issue, Borne should request to provide a complete description of the historical uses of Parcel B, provide SIC numbers for each historical use, and provide any documentation available to support their submittal. Based on this information, NJDEP should be able to make a final determination on the applicability of ECRA to Parcel B.

Borne requested that we provide them with rough cost estimates for the cleanup of each individual parcel. We have already provided Borne with a rough in-house estimate for disposal costs associated with a cleanup of all three parcels together. The following is an estimate of disposal costs for the suspected volumes of waste at each parcel. The volumes given are very rough, hypothetical estimates. The costs given are for disposal only; they do not include the costs of engineering, excavation, transportation, backfilling or sampling. Therefore, the cost for the entire cleanup of each Parcel should well exceed those for disposal only which are estimated below:

The estimates below make the following assumptions:

The contaminated soil must be disposed as a hazardous waste.

The contents of the tank farm can not be re-used.

The rusted tank truck observed on-site is full of non-useable, non-aqueous material.

The drums in the Cooper Building on Parcel A (approximately 600) contain PCB-contaminated waste.

Where oily soils are prominent, they must be removed to a depth of 2-3 feet.

Disposal Costs

Parcel A

Soil	3028 yd ³ x \$100/yd ³ =	\$ 302,800	
Bulk Oily Waste	6000 gal x \$89/55 gal =	9,709	
Drums	600 x \$31/55 gal =	18,600	
	600 x \$650/55 gal =	390,000	
Boric Acid	1 ton x \$350/ton =	<u>350</u>	
			\$ 721,459

Parcel B

Soil	4560 yd ³ x \$100/yd ³ =	\$ 456,000	
Bulky Oily Waste	316,000 gal \$89/55 gal =	<u>511,345</u>	
			\$ 976,345

Parcel C

Soil	1615 yd ³ x \$100/yd ³ =	\$ 161,500	
------	--	------------	--

E

LAW OFFICES
SCHWARTZ, STEINBERG, TOBIA & STANZIALE
A PROFESSIONAL ASSOCIATION

SUBURBAN PLAZA
141 SOUTH HARRISON STREET
EAST ORANGE, NEW JERSEY 07018

(201) 678-0610
CABLE CASLAW

THEODORE A. SCHWARTZ
CHARLES A. STANZIALE, JR.
JOEL M. STEINBERG
RONALD L. TOBIA

STEPHEN L. GOMOCH
JOSEPH S. CBERWAGER

RICHARD J. MURRAY
KENT A. F. WEISERT
JANET BURAK MELCHIONE
WARREN B. KASOAN
ALFRED V. GELLENE

*Kalch - consult
w/ Nate E and
EJ L over
response*

NEW YORK OFFICE
350 FIFTH AVENUE
SUITE 552
NEW YORK, NEW YORK 10001
(212) 564-6340

May 8, 1980

HW/EF

20-10

Ralph Pasceri, Chief
Bureau of Hazardous Waste
Solid Waste Administration
Department of Environmental Protection
Division of Environmental Quality
John Fitch Plaza, CN027
Trenton, New Jersey 08625

Re: Borne Scrymser Corp., 600-616 and 632-650 S. Front St.
Elizabeth, New Jersey

Dear Mr. Pasceri:

Please be advised that this office represents Peabody Coastal Services, Inc. regarding the above referenced Notice of Prosecution and Order. Your Notice of Prosecution indicates an investigation has taken place on January 28, 1980 and that solid waste was disposed of without first obtaining an approved registration statement from the Department of Environmental Protection.

Your notice failed to specify the nature of the substance disposed of, and precisely when such disposal actually took place. I can only presume that the references in your request for submission of information, #2, (a), (b), (c) and (d) alludes to specificity.

If such is the case, I respectfully advise that Peabody Coastal has not been on the subject premises since September, 1975 and has had no use or occupation of the premises since that time.

Therefore, please forward a copy of any and all investigative reports and/or departmental memoranda regarding the alleged violation. Receipt and review of such reports will necessarily extend beyond the May 21st, 1980 settlement date in your notice of prosecution, and I respectfully request an extension of that date.

The rules and regulations of the D.E.P., and the Administrative Procedures Act, require that the Order contain factual allegations which form the basis of the order, as well as the citation of the relevant statutory and regulatory Code provision under which my client has been cited. Without such specificity, the notice is insufficient and the Order has no legal foundation.

Attachment F

Mr. Ralph Pasceri
May 8, 1980
Page 2.

In reality, there appears to be little in the allegations in the Notice or Order that actually applies to my client, and we are aggrieved by the issuance thereof. We believe that we have valid and substantial defenses to any such action and therefore specifically request an administrative hearing pursuant to the rules and regulations as made and provided,

In conclusion, we are requesting the following:

- 1: Copies of all investigative reports and memoranda relating to the matter.
- 2: An extension of the settlement date beyond May 21, 1980.
- 3: A more specific Notice of Prosecution setting forth specific statutory violations, as well as names, dates and places.
- 4: A full administrative hearing affording us the opportunity to defend this action.

Awaiting your advices, I remain.

Yours very truly,

CHARLES A. STANZIALE, JR.

cc: Mr. Hayes Hunter
Mr. Patrick Chapman
Mr. Thomas Dalton
Mr. George Tyler, Director,
Division of Environmental Quality

F.

Mr. Kevin Gashlin
Environmental Specialist
N. J. Department of Environmental Protection
Solid Waste Administration
32 E. Hanover Street
Trenton, New Jersey 08625



Peabody Coastal Services

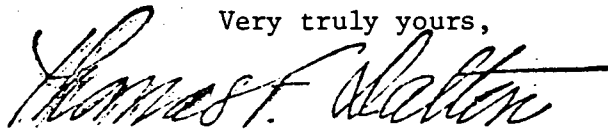
Dear Mr. Gashlin:

Following up with our phone conversation, I should like to report back to you that the offer we made to Borne Chemical to settle their claim against Coastal Services, was accepted on February 4, 1980, subject to ratification by the Board of Directors of Borne Chemical.

On February 11, 1980 the attorney for Coastal Services notified me that Borne Chemical was refusing our offer, since they would not give us a release in full per the terms of the agreement.

We are therefore back to "Square 1" with respect to settling this matter.

Very truly yours,



Thomas F. Dalton,
Vice President

TFD:smh

STATEMENT OF FACTS

What Borne did { This action concerns the use of storage tanks and other facilities of Plaintiff's premises located at 632 South Front Street in Elizabeth, New Jersey. The plaintiff Borne Chemical Company, Inc. (hereinafter referred to as "Borne"), by its own admission has used and is using the subject premises for the blending and formulating of oils and for the manufacture of petrochemical and other oil-based liquids.

From 1973 to approximately December 31, 1978, the defendant Coastal Services, Inc., (hereinafter referred to as "Coastal"), co-extensively with the plaintiff Borne and other parties used portions of the subject premises as a base of operation for its pollution control business and for the temporary storage of liquid waste materials it collected from spills.

Plaintiff filed a Complaint upon an Order to Show Cause dated May 14, 1979 alleging that the Defendant Coastal breached a lease agreement dated June 1, 1977 and a termination of lease agreement dated August 28, 1978 by failing to clean certain storage tanks and dike areas surrounding the same. Plaintiff is now seeking a preliminary mandatory injunction to compel the defendant Coastal to empty and clean approximately 22 tanks located on Borne's premises as well as the dike areas surrounding the same.

The hearing on plaintiff's application for injunctive relief has been rescheduled by the court for Friday, July 13, 1979.

Defendant Coastal has filed an Answer and Counterclaim in response to the Complaint and also has filed affidavits and certifications of four of its employees in opposition to the plaintiff's application for preliminary mandatory injunctive relief-- that of Mr. Thomas Dalton, Mr. John Guy, Mr. Dennis Ayr and Mr. Joseph Verdon.

The defendant Coastal vigorously denies the material allegations made against in the Complaint and the supporting affidavits of Borne's employees. Although Coastal admits entering into the lease and termination agreements referred to above, it denied that it was obligated to vacate the subject premises as of October 31, 1978. In fact, defendant Coastal's right to use the subject premises was extended by the parties to December 31, 1978, as evidenced by purchase order number 3944 dated October 23, 1978 and annexed to the affidavit of Mr. Thomas Dalton, Vice-President of Coastal.

Most importantly, defendant Coastal denies that it used 28 tanks located on the subject premises, as alleged by the plaintiff Borne. Defendant Coastal used the following tanks only: 43, 44, 45, 46, 34, B-1, B-2, B-3, B-4, B-5 (tile tank), CS-1 and CS-2.

Contrary to the allegations of the plaintiff, the defendant Coastal specifically denies ever using the following tanks: 22, 23, 24, 25, 26, 27, 29, 31, 32, R-1, R-2 and 41. See affidavit of Dennis Ayr, (Para. 6, P. 2) and affidavit of Mr. Thomas Dalton, (Para. 13, P. 6)

Further, in his affidavit, Mr. Thomas Dalton states that he had a number of conversations with Mr. Edward Kaye of Borne between September, 1978 through April, 1979. These conversations concerned the emptying and cleaning of only 13 tanks. Mr. Dalton states that the first time plaintiff Borne alleged that Coastal was responsible for more than 13 tanks was in April, 1979, some three months after the defendant Coastal had vacated the Borne premises. Not only was such a claim unwarranted, but it was completely inconsistent with the many conferences and discussions held between Mr. Kaye and Mr. Dalton during the previous six months. Affidavit of Mr. Thomas Dalton, (Para. 12, P. 6).

Mr. Edward Kaye and Mr. Walter Lane of Borne have alleged in their affidavits that 22 tanks located on their premises contained polluted materials left by Coastal. Affidavit of Mr. Edward Kaye, (Para. 9, P. 4); affidavit of Mr. Walter Lane (Para. 8, P. 3). Defendant Coastal vigorously denies this allegation. With the exception of a relatively small amount of material located in tank no. 34 (responsibility and control of which was to be assumed by Borne), Coastal emptied all tanks it had used of their liquid contents. See affidavit of Mr. Dalton, (Para. 8, P. 3-4).

With regard to plaintiff's request that the defendant Coastal be ordered to clean all of the tanks referred to in the Complaint, it is important to note that paragraph 4 of the termination of lease agreement dated August 28, 1978 provided that

Coastal's responsibility for 7 of the tanks which it used was limited solely to emptying said tanks of their liquid content, as distinguished from a thorough cleaning. Defendant Coastal contends that it satisfied its responsibilities in connection with said tanks by emptying the same of their liquid content.

Defendant Coastal also contends that, contrary to the allegations of the plaintiff and its representatives, it cleaned tank numbers 35, 45 and B-5 (tile tank) and that said tanks were inspected and verbally approved by plaintiff's representative during November-December, 1978. See affidavit of Mr. Dennis Ayr, (Para. 13, P. 4) and affidavit of Mr. Joseph Verdon, (Para. 9, P. 3).

During December, 1978 severe cold weather arrived and Coastal was unable to complete the cleaning of tank numbers 34, 43, 44 and 46. Consequently, on several occasions in January and February, 1979, Coastal sent Dennis Ayr to Borne's premises in order to determine whether or not the cleaning of the above tanks could be completed.

Because of severe freezing conditions, it was impossible to commence cleaning of said tanks until March, 1979. At that time, Dennis Ayr arrived with the work crew at the Borne Chemical site ready to complete the clean-up of the tanks. However, he was told by Mr. Edward Kaye, President of Borne that Coastal was not to complete the cleaning of the subject tanks because Borne had contracted with other parties to do the same. See affidavit of Mr. Dennis Ayr, (Para. 15, P. 5).

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B PK 188
RANK 1
IN 1
FIT 943

1,1'-BIPHENYL, 2-CHLORO-

C12.H9.CL
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B PK 188
RANK 2
IN 1
FIT 939

1,1'-BIPHENYL, 2,2'-DICHLORO-

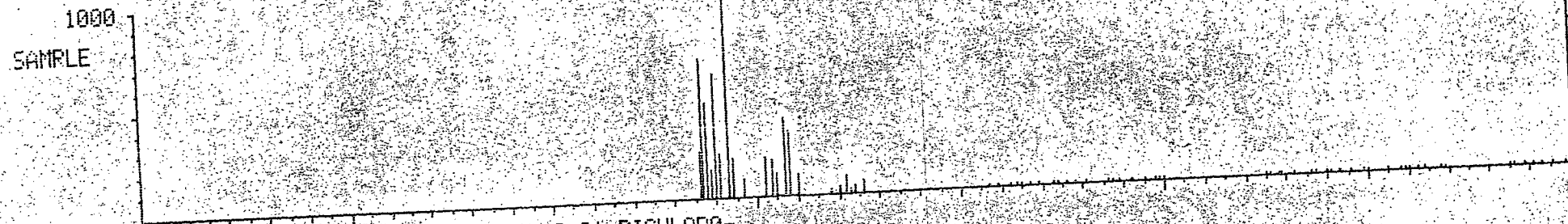
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IN 1
FIT 896

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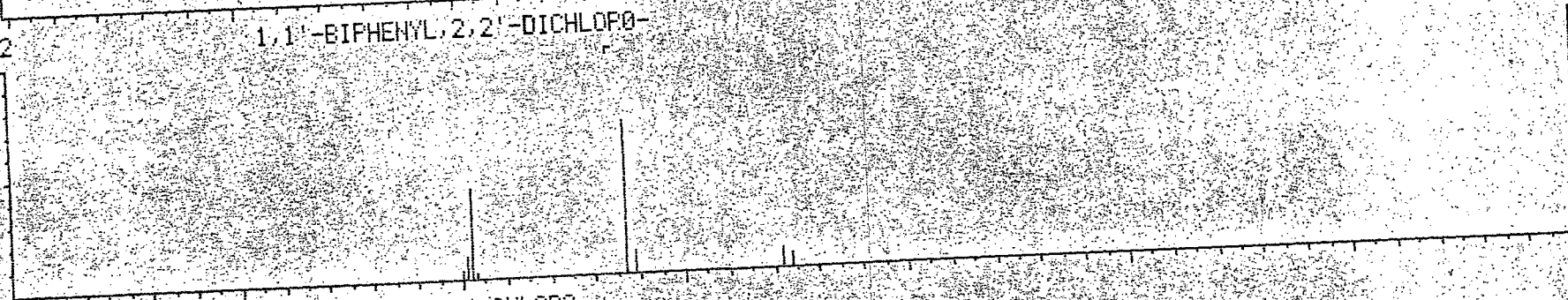
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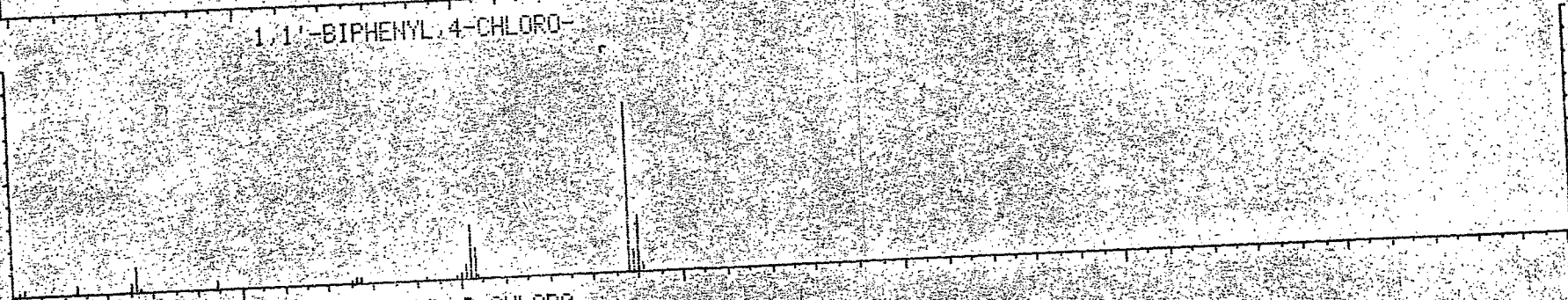
C12.H8.CL2

1000
M WT 222
B PK 187
RANK 1
IN E
FIT 892



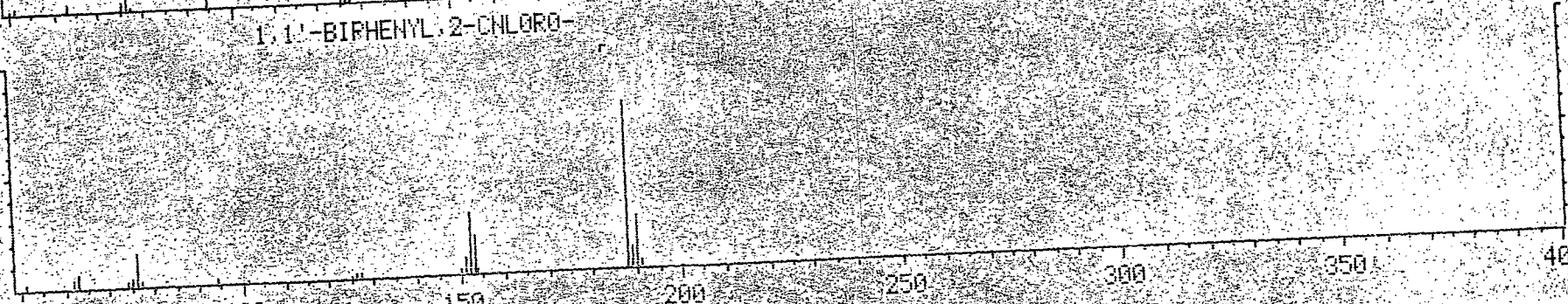
C12.H9.CL

1000
M WT 188
B PK 188
RANK 2
IN 2
FIT 858



C12.H9.CL

1000
M WT 188
B PK 188
RANK 3
IN 1
FIT 862

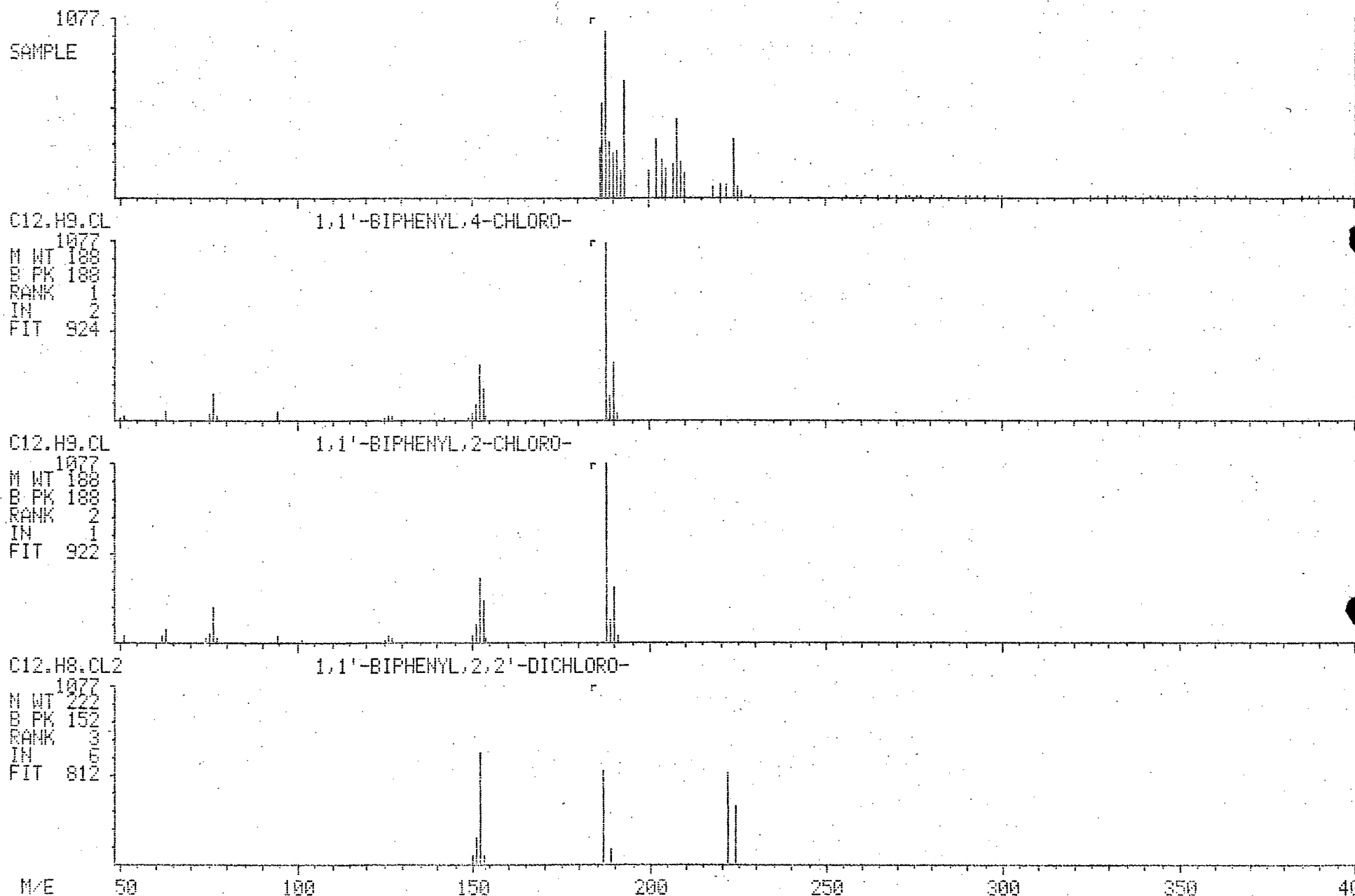


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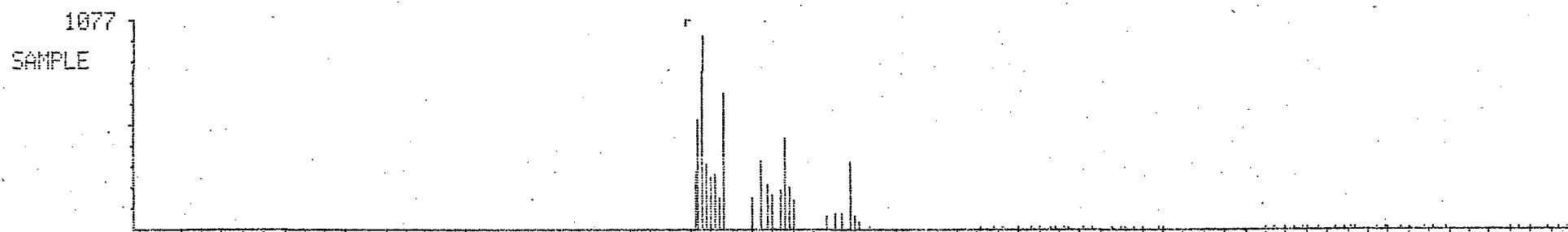
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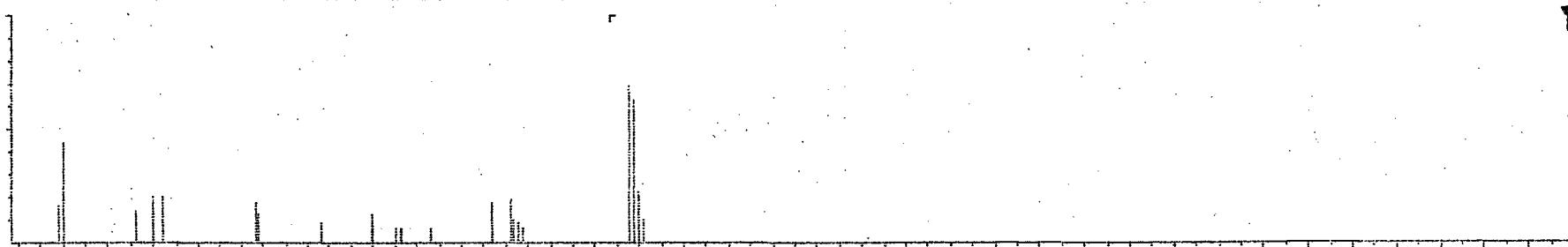
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C9.H8.N3.5.BR

PYRIDO[3,2-D]THIAZOLO[3,2-B]PYRIDAZIN-4-IUM, 2,3-DIHYDRO-, BROMIDE

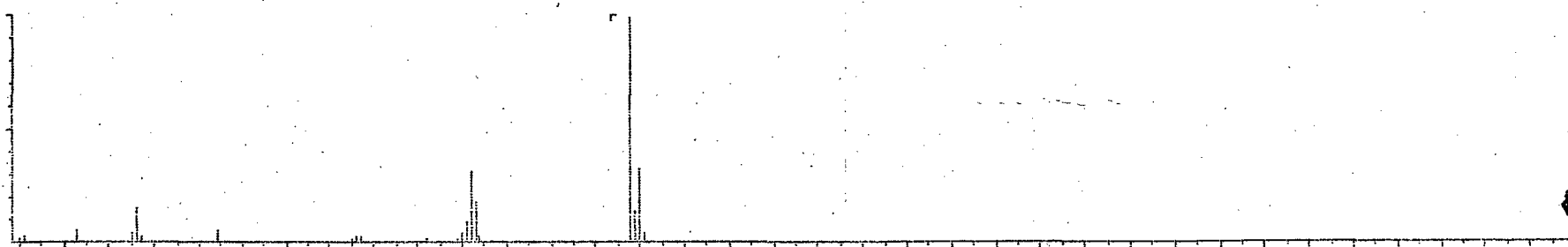
1077
M WT 259
B PK 188
RANK 1
IN 19688
FIT 934



C12.H9.CL

1,1'-BIPHENYL, 4-CHLORO-

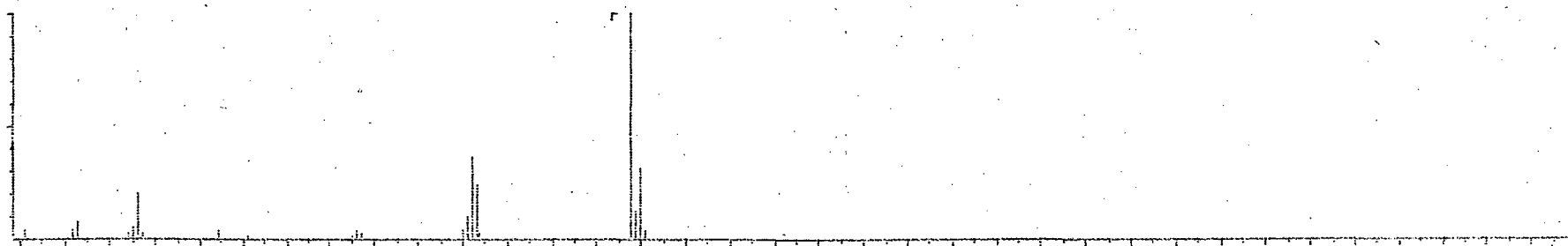
1077
M WT 188
B PK 188
RANK 2
IN 11357
FIT 924



C12.H9.CL

1,1'-BIPHENYL, 2-CHLORO-

1077
M WT 188
B PK 188
RANK 3
IN 11356
FIT 922

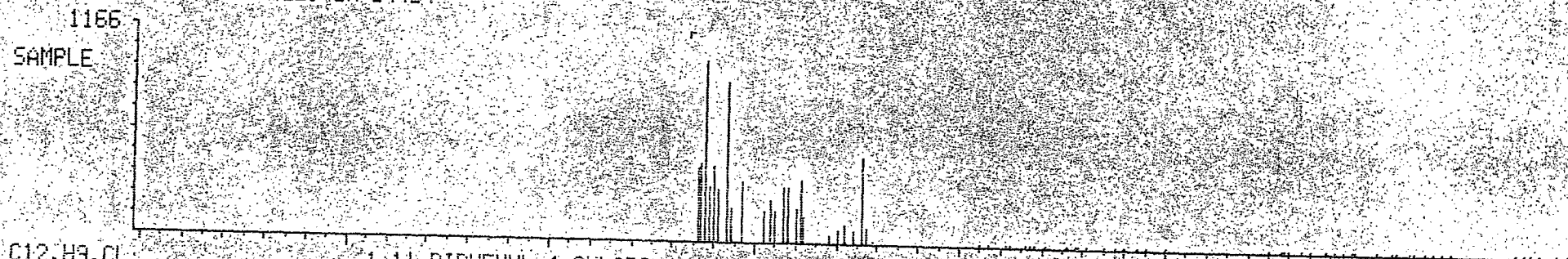


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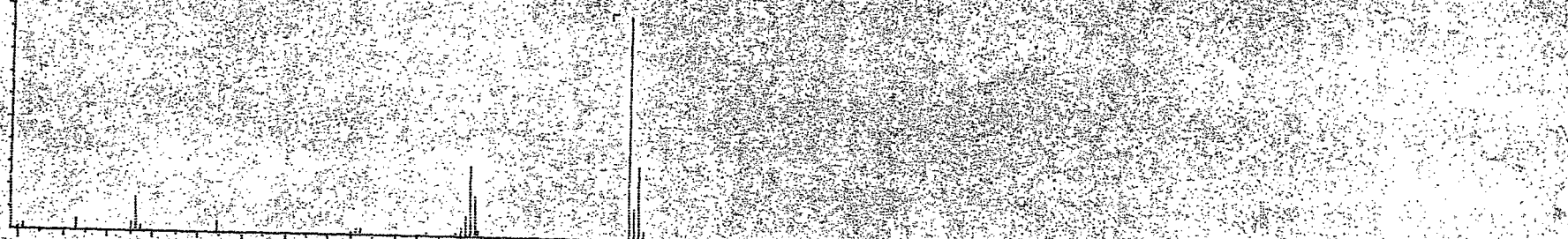
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BASE M/E: 188
RIC: 2146300.



C12.H9.CL 1,1'-BIPHENYL, 4-CHLORO-

1166
M WT 188
B PK 188
RANK 1
IN 2
FIT 937



C12.H9.CL 1,1'-BIPHENYL, 2-CHLORO-

1166
M WT 188
B PK 188
RANK 2
IN 1
FIT 934



C12.H9.CL2 1,1'-BIPHENYL, 2,2'-DICHLORO-

1166
M WT 222
B PK 187
RANK 3
IN 5
FIT 920

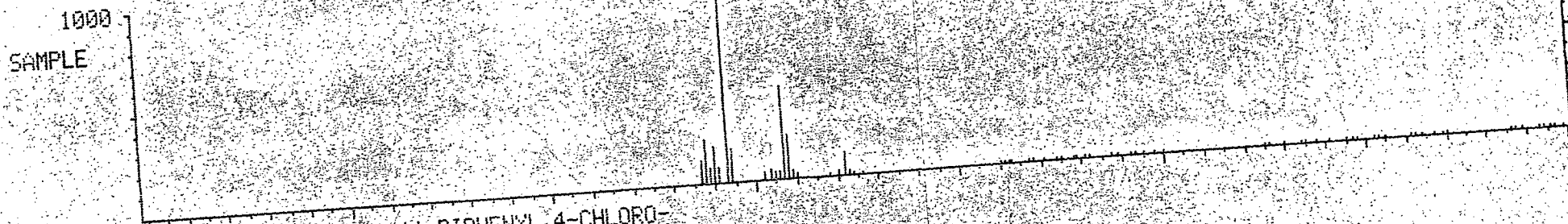


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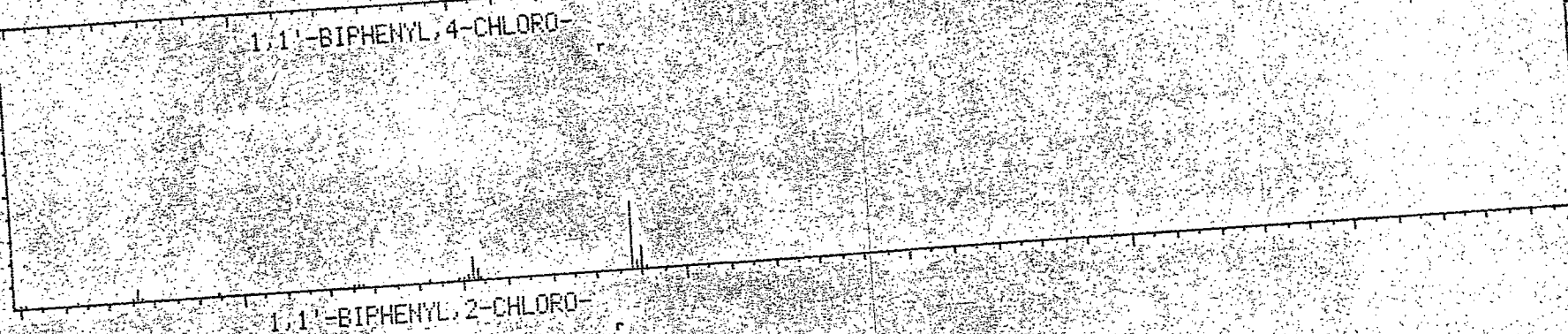
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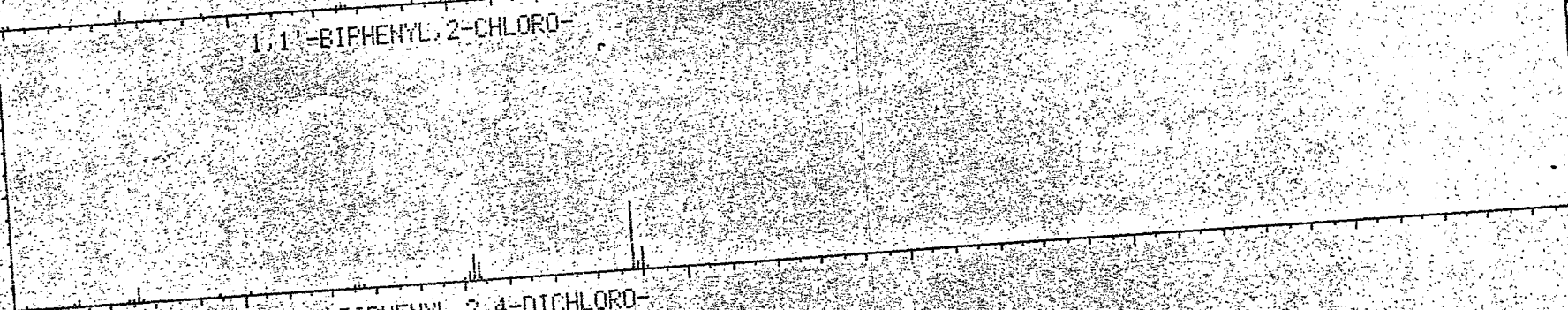
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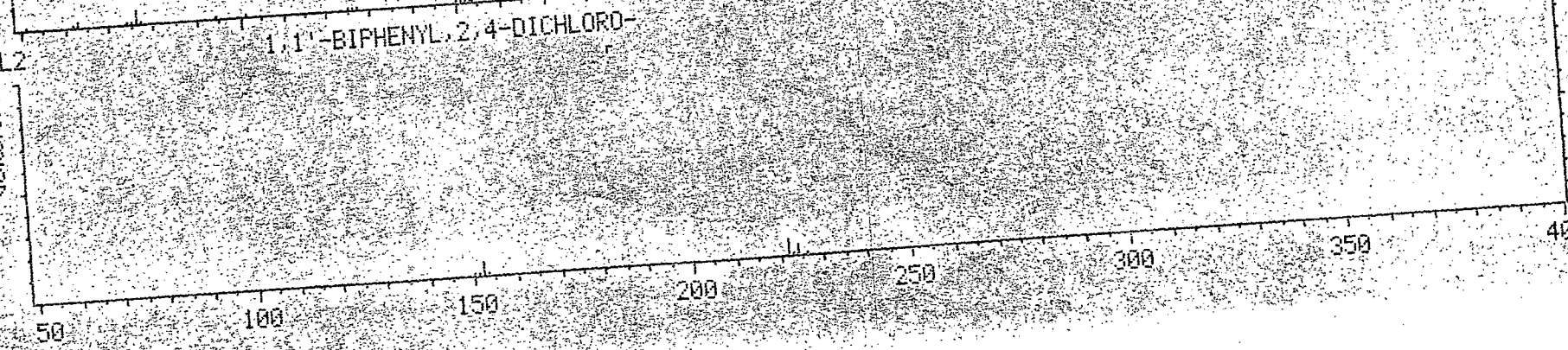
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M WT 188
B PK 188
RANK 1
IN 2
FIT 908



C12.H9.CL
M WT 188
B PK 188
RANK 2
IN 1
FIT 904



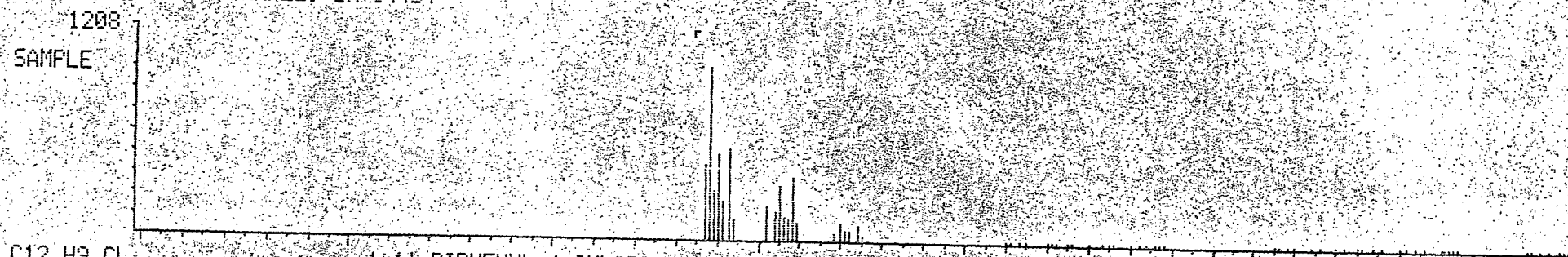
C12.H8.CL2
M WT 222
B PK 222
RANK 1
IN 3
FIT 877



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DATA: 64494M.# 862

BASE M/E: 188
RIC: 2355190.



C12.H9.CL 1,1'-BIPHENYL,4-CHLORO-

1208
M WT 188
B PK 188
RANK 1
IN 2
FIT 954



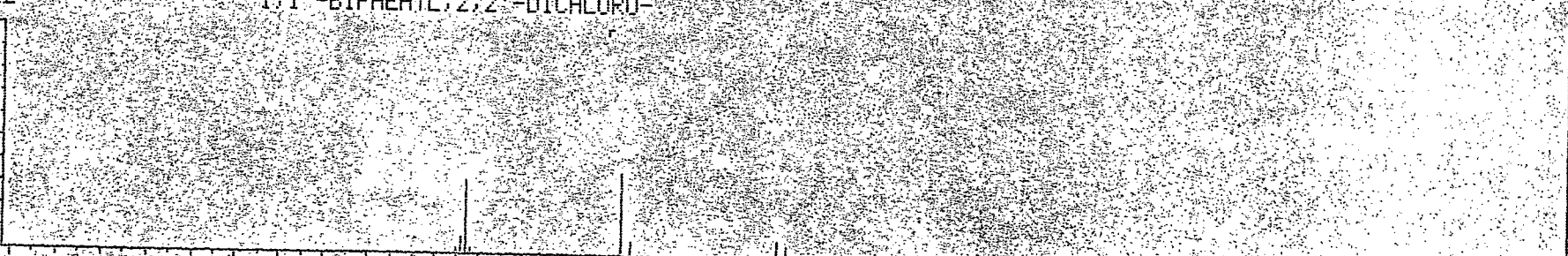
C12.H9.CL 1,1'-BIPHENYL,2-CHLORO-

1208
M WT 188
B PK 188
RANK 2
IN 1
FIT 951



C12.H8.CL2 1,1'-BIPHENYL,2,2'-DICHLORO-

1208
M WT 222
B PK 187
RANK 3
IN 6
FIT 919



M/E 50 100 150 200 250 300 350

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1000
SAMPLE

C12.H8.CL2

M WT 1000
B PK 222
RANK 187
IN 1
FIT 949

1,1'-BIPHENYL, 2,2'-DICHLORO-

C12.H9.CL

M WT 1000
B PK 188
RANK 188
IN 2
FIT 924

1,1'-BIPHENYL, 2-CHLORO-

C12.H9.CL

M WT 1000
B PK 188
RANK 188
IN 2
FIT 924

1,1'-BIPHENYL, 4-CHLORO-

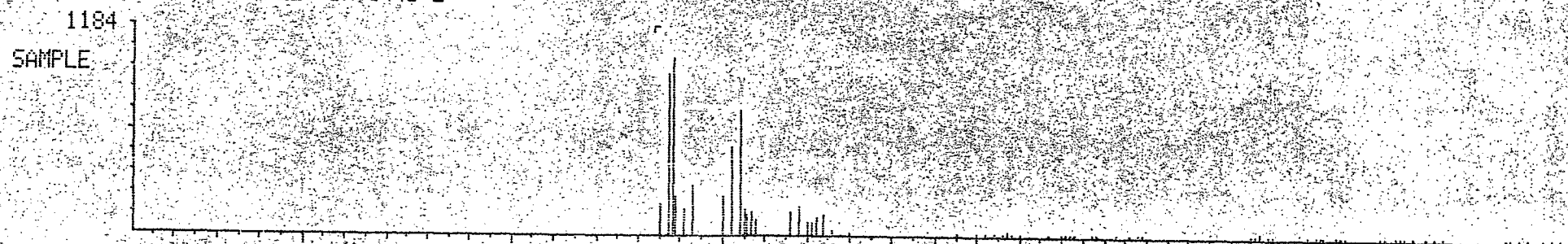
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LIBRARY SEARCH
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1000
SAMPLE

C12.H8.CL2
M WT 1000
B PK 222
RANK 187
IN 1
FIT 982

1,1'-BIPHENYL,2,2'-DICHLORO-

C12.H8.CL2
M WT 1000
B PK 222
RANK 222
IN 3
FIT 845

1,1'-BIPHENYL,2,4-DICHLORO-

C12.H8.CL2
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RANK 3
IN 4
FIT 805

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M/E 150

200

250

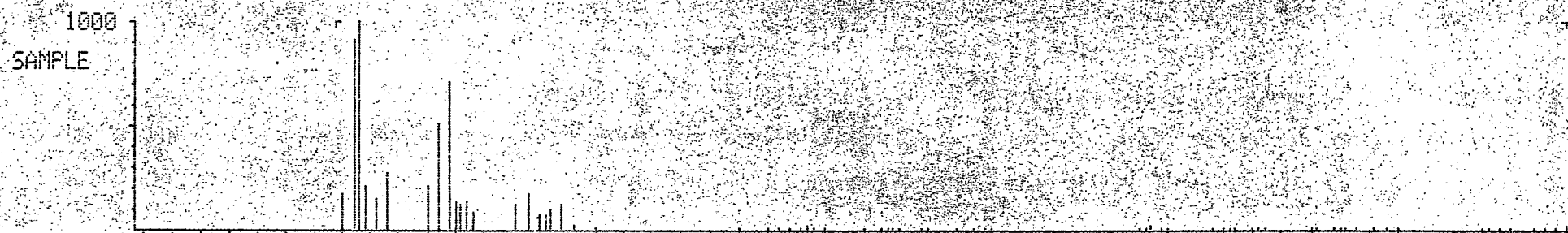
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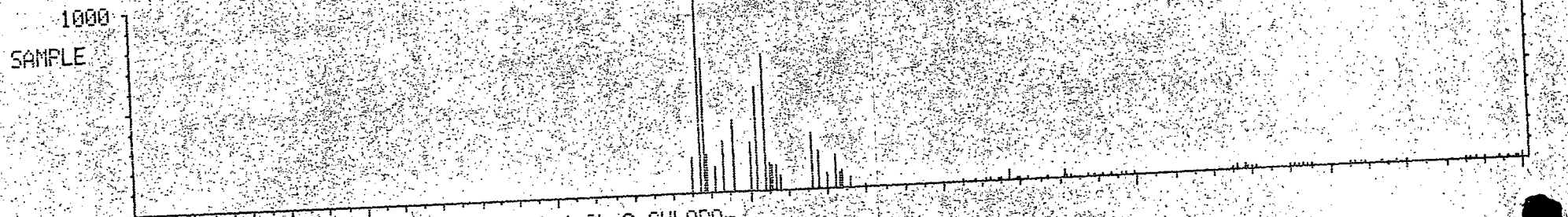
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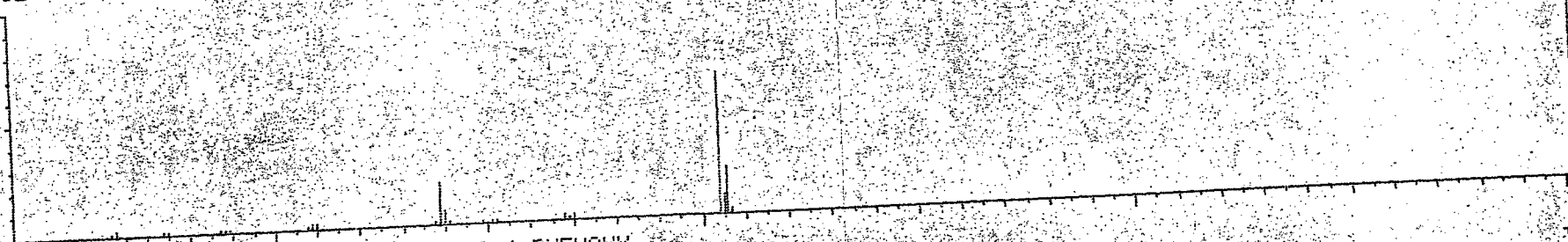
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RIC: 13598700.



C12.H9.O.CL [1,1'-BIPHENYL]-4-OL, 3-CHLORO-

1000
M WT 204
B PK 204
RANK 1
IN 13273
FIT 948



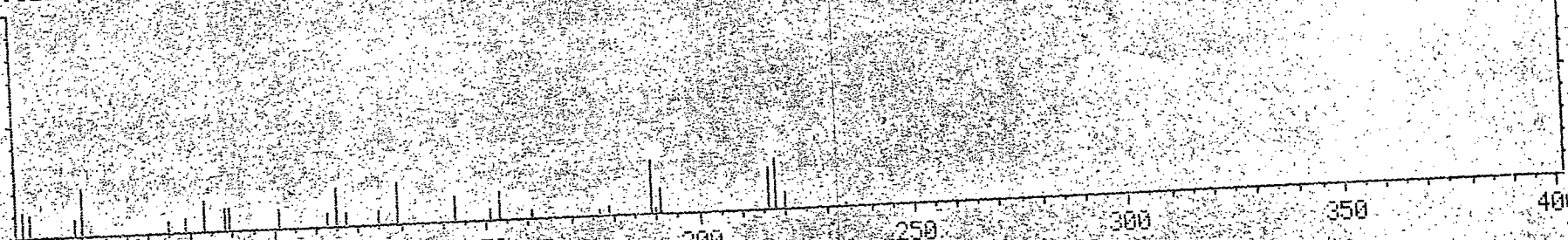
C12.H9.O.CL BENZENE, 1-CHLORO-4-PHENOXY-

1000
M WT 204
B PK 204
RANK 2
IN 13276
FIT 941



C9.H14.O2.CL2 E-HEPTENOICACID, 7,7-DICHLORO-, ETHYLESTER

1000
M WT 274
B PK 189
RANK 3
IN 15633
FIT 937



M/E

50

100

150

200

250

300

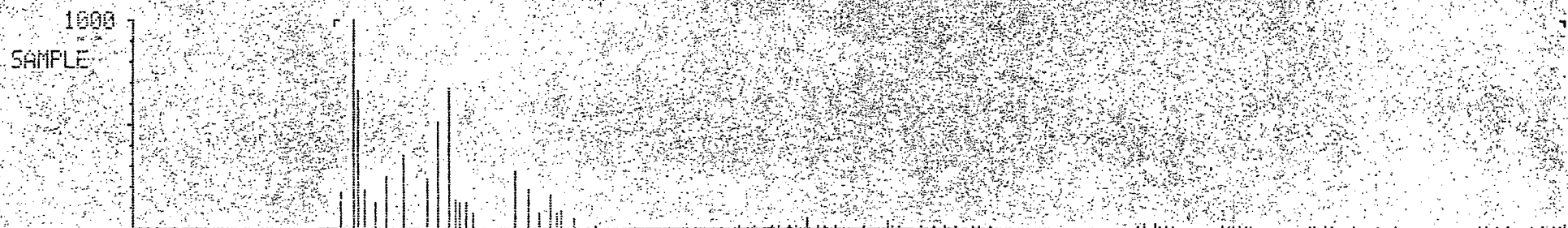
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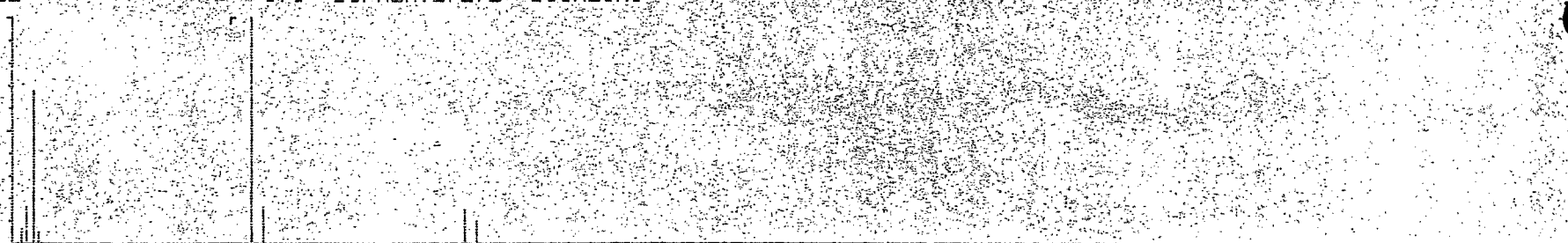
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BASE M/E: 187
RIC: 13598700.



C12.H8.CL2 1,1'-BIPHENYL,2,2'-DICHLORO-

M WT 222
B PK 187
RANK 1
IN 6
FIT 998



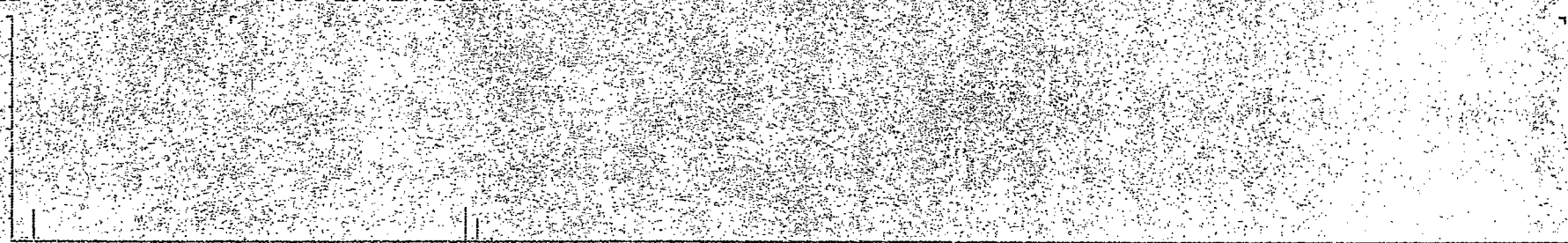
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M WT 222
B PK 152
RANK 2
IN 5
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M WT 222
B PK 222
RANK 3
IN 4
FIT 849

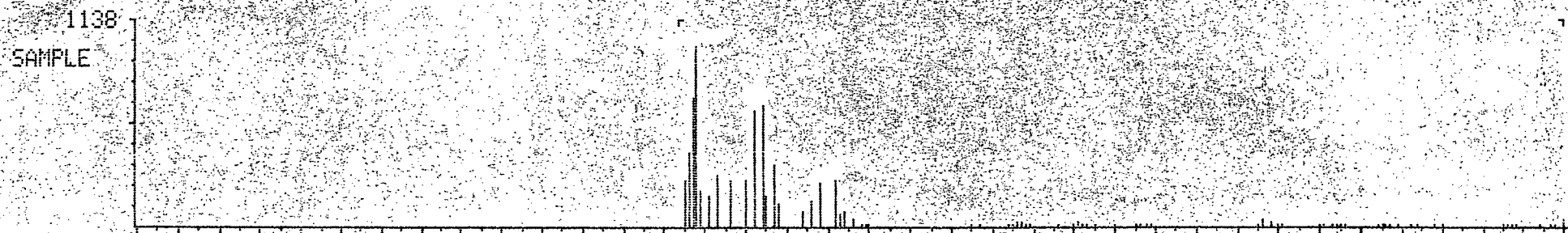


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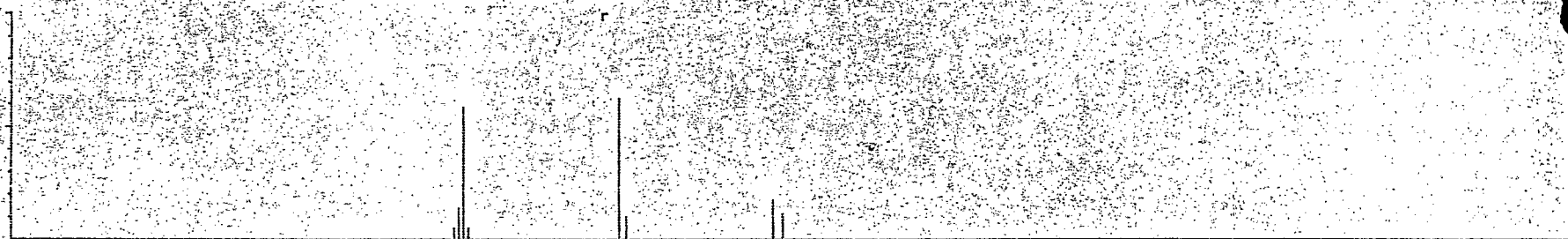
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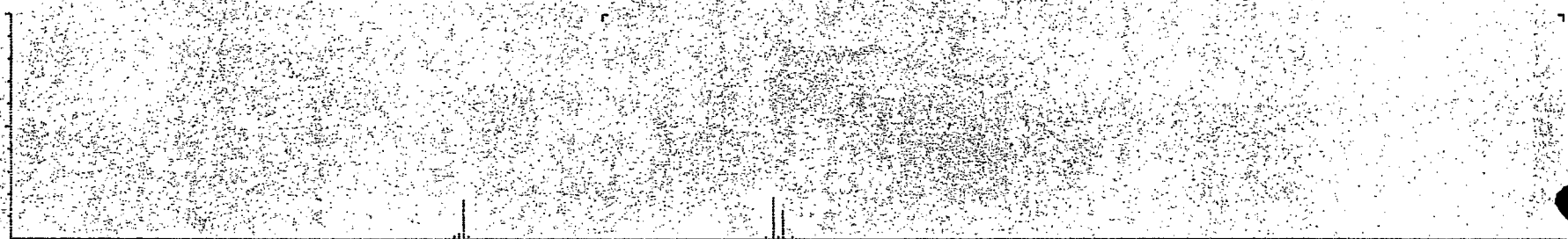
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1138
M WT 222
B PK 187
RANK 1
IN 6
FIT 982



C12.H8.CL2 1,1'-BIPHENYL,2,4-DICHLORO-

1138
M WT 222
B PK 222
RANK 2
IN 5
FIT 508



C12.H9.CL 1,1'-BIPHENYL,2-CHLORO-

1138
M WT 188
B PK 188
RANK 3
IN 1
FIT 758

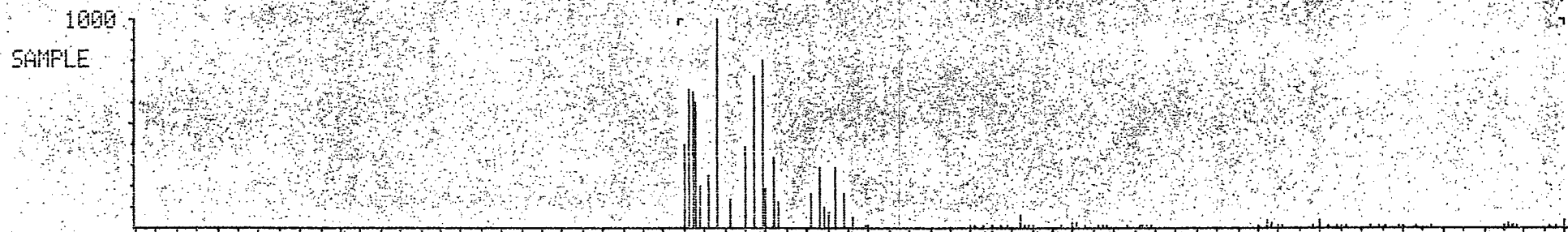


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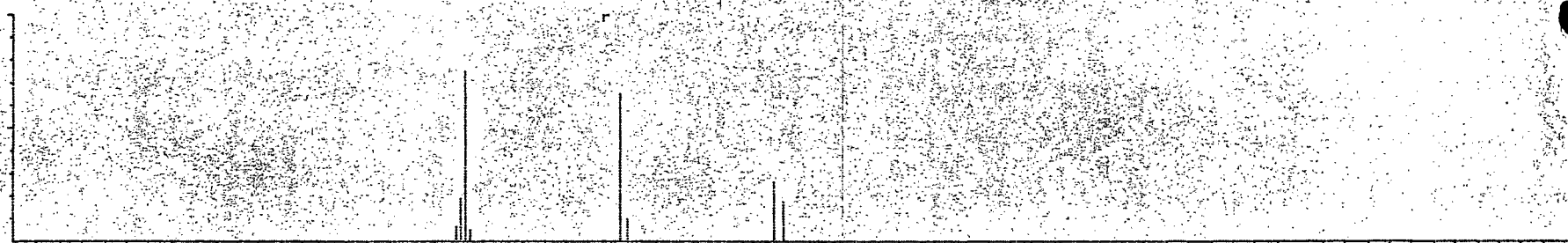
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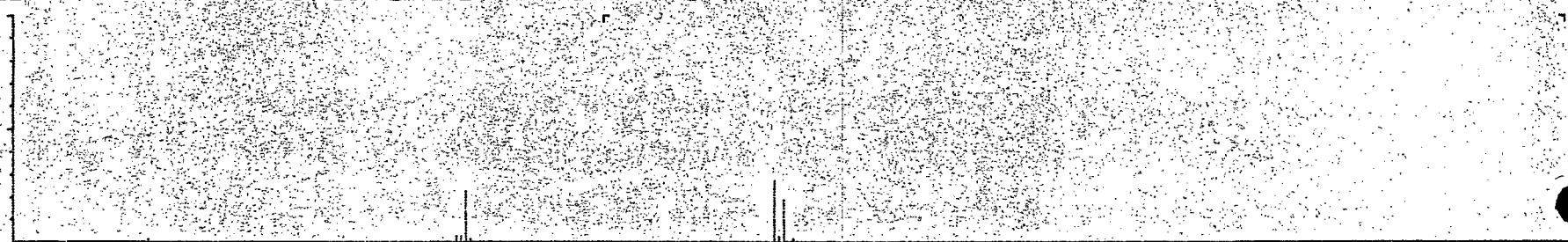
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1000
H WT 222
B PK 152
RANK 1
IN 6
FIT 987



C12.H8.CL2 1,1'-BIPHENYL,2,4-DICHLORO-

1000
H WT 222
B PK 222
RANK 2
IN 5
FIT 938



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IN 1
FIT 688

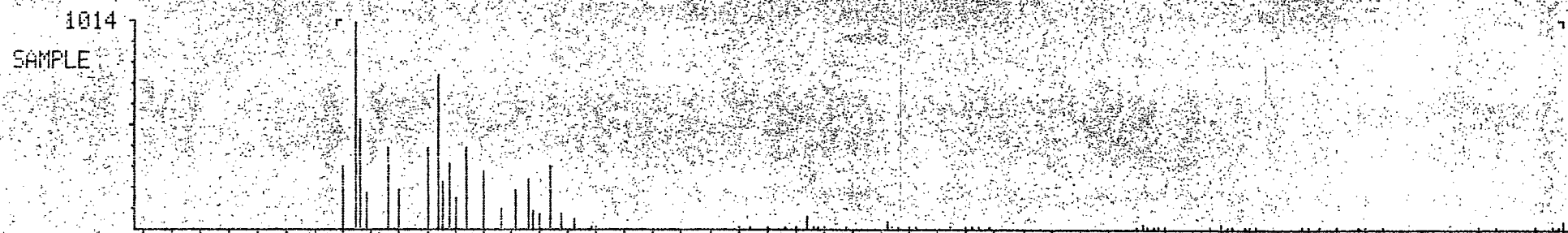


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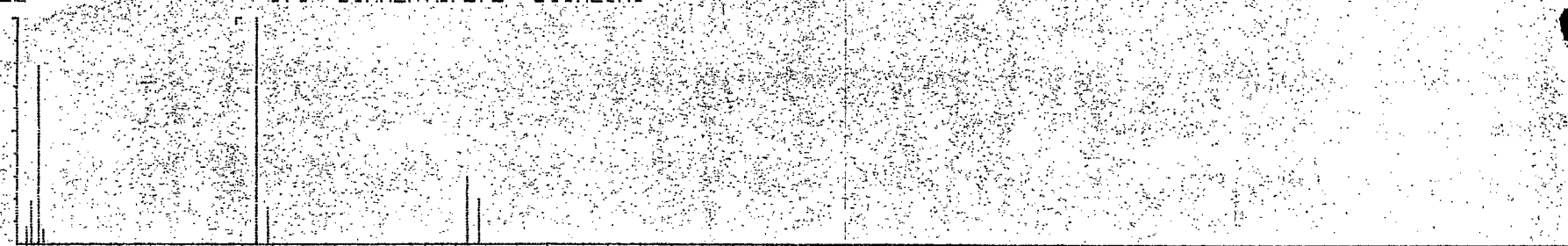
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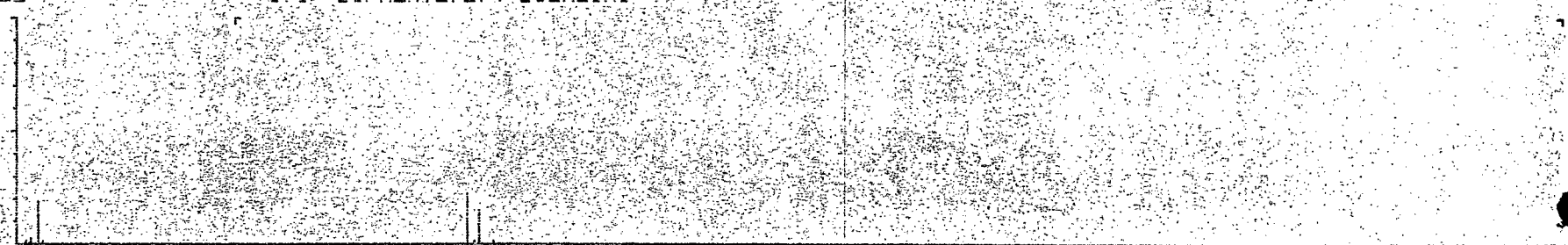
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1014
M WT 222
B PK 187
RANK 1
IN 6
FIT 979



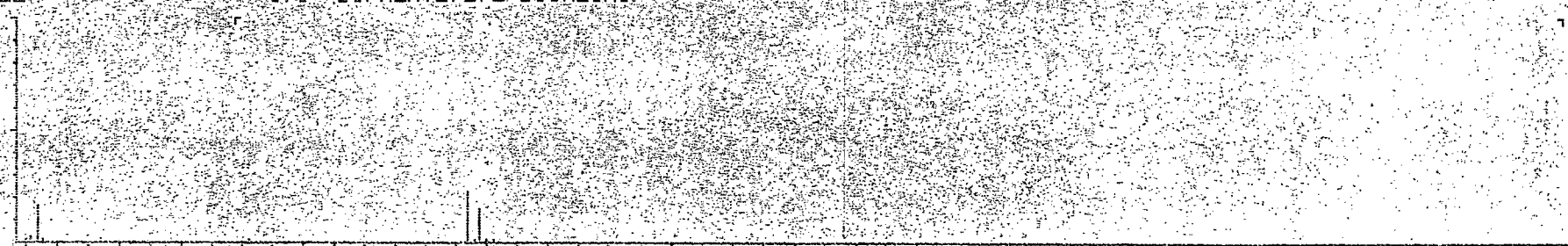
C12.H8.CL2 1,1'-BIPHENYL,2,4-DICHLORO-

1014
M WT 222
B PK 222
RANK 2
IN 5
FIT 884



C12.H8.CL2 1,1'-BIPHENYL,2,E-DICHLORO-

1014
M WT 222
B PK 222
RANK 3
IN 4
FIT 840

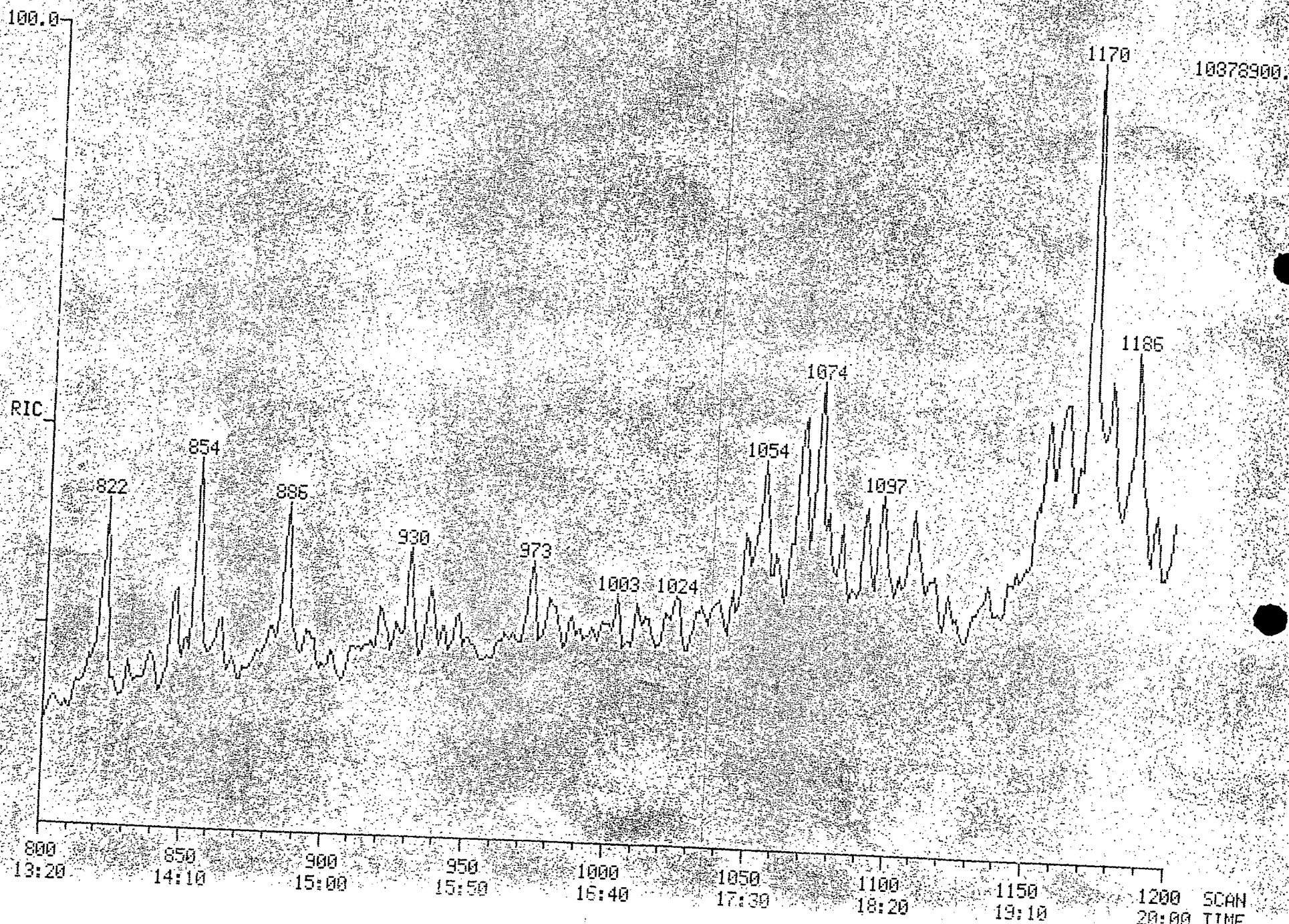


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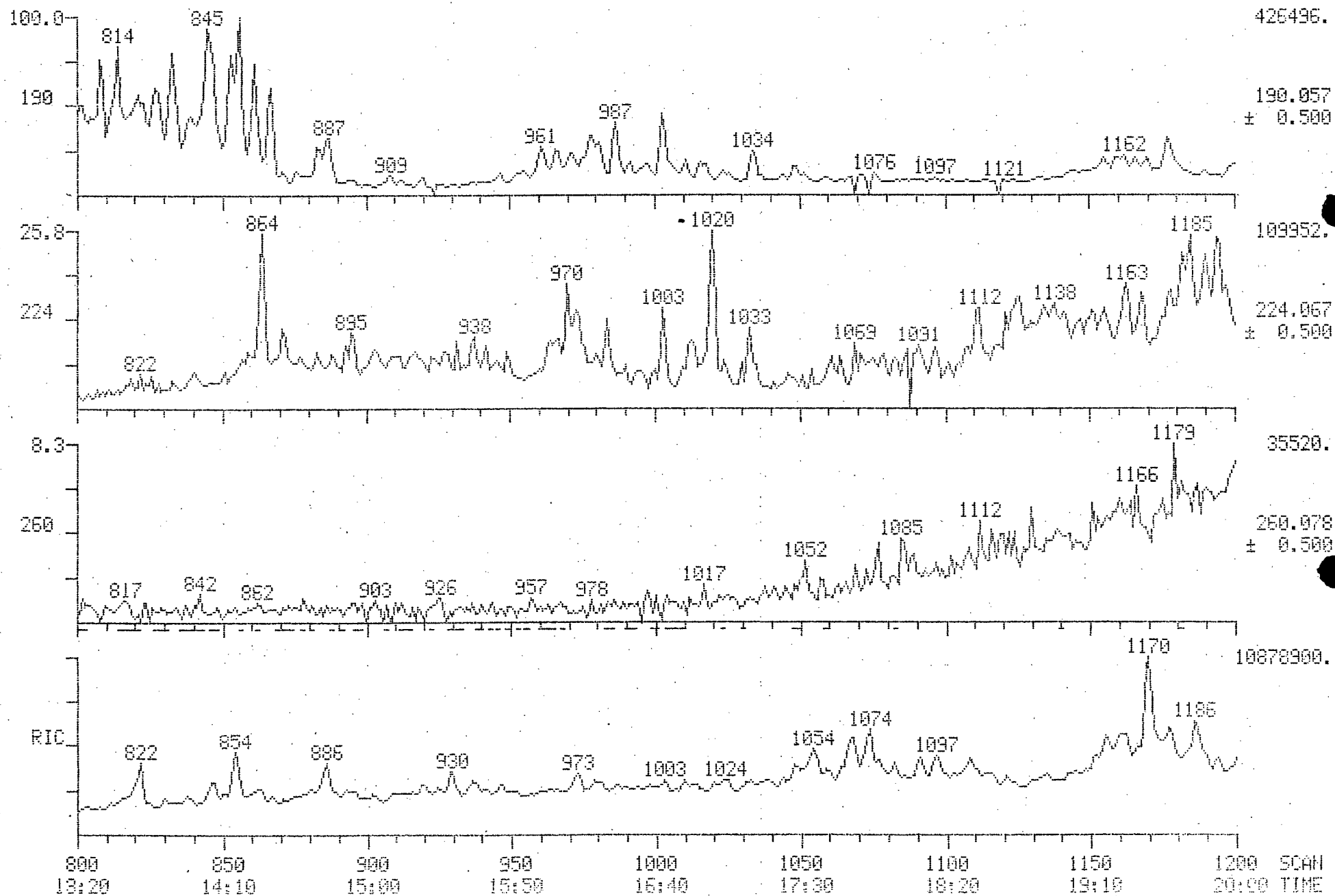
SCANS 800 TO 1200



RIC + MASS CHROMATOGRAMS
02/08/82 14:25:00
SAMPLE: SR 64494

DATA: 64494M

SCANS 800 TO 1200



ATTACHMENTS
BORNE CHEMICAL

MAPS

- A. GENERAL MAP OF BORNE LOCATION
- B. U.S. GEOLOGICAL SURVEY ELIZABETH QUADRANGLE
- C. STREET MAP UNION COUNTY.
- D. WATER RESOURCE MAP ELIZABETH AREA.
- E. SITE MAP, BORNE

DOCUMENTS

- A. HISTORICAL BACKGROUND
- B. DRUM STORAGE ACTIVITIES
- C. TANK FARM ANALYSIS
- D. SOIL ANALYSIS
- E. ECRA RULING
- F. BORNE, COASTAL ENVIRONMENTAL LITIGATION
- G. TANK WATER ANALYSIS
- H. GENERAL INFORMATION
- I. SITE RECONNAISSANCE MEMO
- J. SITE INTERVIEW CASE MANAGEMENT MEMO
- K. ORS DIRECTIVE

It is defendant Coastal's contention that such action by the plaintiff Borne constituted a material breach of the termination of lease agreement relieving the defendant Coastal its obligation to complete the clean-up of the aforesaid four tanks pursuant to the same. In this regard, defendant Coastal has filed a counterclaim seeking a judgment declaring that it is no longer obligated to perform any additional services pursuant to the termination of lease agreement.

Two other points should be kept in mind by the Court in reviewing plaintiff's application for preliminary mandatory injunctive relief. First, Dennis Ayr disputes the statement in the affidavit of Mr. Walter Skok that the Borne premises were devoid of polluted oil, sludge or foreign materials as of June 1, 1977. Mr. Ayr states in his affidavit, (Para. 9, P. 3) that since his employment commenced with Coastal in 1974 he recalls seeing polluted oil and liquid waste material in the dike areas surrounding the tank farm located at Borne.

Secondly, the papers filed by the plaintiff in this matter seem to indicate that the defendant Coastal was the only company using its storage tanks and facilities. This impression is not true. In fact, according to the affidavit of Mr. John Guy, Anderson Waste Oil Co. maintained an operational facility on the Borne premises at the same time as Coastal and, to his information and belief, used certain tanks on the Borne premises for storage of waste oil. Further, Mr. Guy observed tanks trucks operated by Shannon Waste Oil Company and other companies on the premises during the time period when Coastal was operating from the

same. See affidavit of Mr. John Guy (Para. 6, P. 2)

Mr. Guy's affidavit also establishes that Borne failed to maintain the security of the premises and that opportunities were provided for other unknown parties to discharge waste materials into the tanks and dike area without the knowledge of Borne.

ARGUMENT

PLAINTIFF'S APPLICATION FOR A PRELIMINARY
MANDATORY INJUNCTION SHOULD BE DENIED.

Plaintiff Borne is seeking a preliminary mandatory injunction from the Court which would compel the defendant Coastal to clean and remove polluted material allegedly left by Coastal in 22 of its approximately 28 tanks and in the dike areas surrounding said tanks. See affidavit of Mr. Walter Lane (Para. 6-8, P. 2-3).

For the reasons set forth below defendant Coastal submits that plaintiff Borne has failed to satisfy the requirements for the issuance of a preliminary injunctive relief pending final resolution of this matter.

However, before defendant Coastal sets forth the facts and law which compel the denial of the plaintiff's application, it is important to examine the three reasons advanced by plaintiff Borne in its Brief in support of its request for a injunctive relief. They are as follows:

1. The condition of plaintiff's premises caused by defendant creates a serious potential for grave public harm;
2. The defendant, Coastal Services, Inc., is an acknowledged expert in the area of pollution control;
3. The consequences of plaintiff's having to spend the money to clean up its premises before a plenary hearing is held would be so devastating as to cause it to close its Elizabeth facility. (Plaintiff's Brief, P. 6)

Although the first reason stated by plaintiff certainly would be a compelling factor requiring issuance of injunctive relief at this stage of this litigation if proven, it assumes resolution of the key fact in issue in this case--whether the material allegedly remaining in Borne's tanks was placed there by the defendant Coastal or by some other party(ies). Defendant Coastal has filed an Answer and Counterclaim to the Complaint filed by the plaintiff herein and responding affidavits and certifications, all of which deny that the material in said tanks was placed there by it and which established the use of Borne's tanks and premises by other parties as well as Borne's lack of security on the premises.

The defendant Coastal contends that the plaintiff Borne's allegation that the public welfare is at issue is at most an unsubstantiated, uncorroborated and unspecific conclusionary opinion and, at minimum, is based upon nothing more than conjecture and speculation. Indeed, one may ask whether the rectangular pit (approximately 35 times 25 feet) containing waste material, which was created by A-Line Environmental Services, plaintiff Borne's contractor, on Borne's premises also constitutes a "grave threat" to the public health and safety? See affidavit of Mr. John Guy (Para. 9, P.3).

It also should be noted that the case of City of Bridgeton v. B.P. Oil, Inc., 146 N.J. Super 169 (Law Div. 1976),

relied upon by plaintiff Borne in support of its first reason is clearly inapposite to plaintiff's application for preliminary injunctive relief (plaintiff's Brief, P. 7). The plaintiff city in the Bridgeton case was not seeking injunctive relief against the defendants therein; rather, the plaintiff sought (and was denied) damages to reimburse it for expenses it incurred in containing an oil spill. The principal of strict liability for damages for oil spills to proper plaintiffs, which was established by Judge Miller in said case, has no bearing on plaintiff's claim herein for injunctive relief.

Similarly, the case of Township of Hanover v. Town of Morristown 108 N.J. Super 461 (Ch. Div. 1970) is of no relevance to the instant matter in that the plaintiffs in said case were seeking a permanent injunction forbidding certain planned physical alterations and extensions of facilities at an airport or, alternatively, an injunction curtailing the active use and operation of the subject airport. In this matter, there are no such plans for future development or such continuing actions, but rather only a condition left by the past acts of unknown persons.

The second reason advanced by plaintiff Borne for issuance of preliminary injunctive relief, i.e., the fact that the defendant Coastal is an acknowledged expert in the field of pollution control, is also entirely irrelevant to whether a preliminary injunction should issue in this matter. Not only does

this reason falsely assume defendant Coastal to be the party responsible for the placement of the material in Borne's tanks, it also erroneously assumes that defendant Coastal's expertise is a pertinent factor for the issuance of preliminary injunctive relief. No authority has been cited by the plaintiff in support of this dubious proposition and the defendant Coastal submits that none exists.

Furthermore, the plaintiff's reference to the present condition of the Chemical Control Corp. plant in Elizabeth and defendant Coastal's role in the removal of hazardous materials from said plant (plaintiff's Brief, P. 8) is bewildering. The Chemical Control matter has no bearing whatsoever on the resolution of the case sub judice, either in terms of plaintiff's application for injunctive relief or its claim for damages. As to plaintiff's claim that a failure on the part of this Court to issue the request for injunctive relief would constitute an "embarrassment" to the Court, the defendant Coastal believes that this Court can not and will not be "guided" by allegations of embarrassment but rather will judge this application and case on the merits.

The third reason propounded by the plaintiff Borne in support of its application for a preliminary injunctive relief, namely, that it can not afford to pay for the clean-up and removal of the subject material, is completely devoid of merit. Plaintiff Borne has not cited, and can not cite, any case which holds that a preliminary mandatory injunction should issue whenever a defendant is unable to pay for the costs of correcting the condition complained of. In fact, there is no such case.

Plaintiff Borne's reliance upon the decisions in Out-

Door Sports Corp. v. A. F. L., Local 23132 6 N.J. 217 (1959),
Evening Times, etc., Co. v. American etc. Co., Guild 124 N. J. Eq.
71 (E. & A. 1938) and Scherman v. Stern, 93 N. J. Eq. 626 (E & A
1922), is misplaced. All of these cases cited concern contem-
poraneous acts by the defendants therein which allegedly were
destroying the plaintiffs' business and profits. In Outdoor
Sports Corp. and Evening Times, the defendant unions were engaged
in the picketing of plaintiffs' places of business. In Scherman
the defendants were engaged in the operation of a competing
candy and stationery store allegedly in violation of a restrictive
covenant not to compete.

None of the holdings in the above cases apply to this
matter before the Court. This Court is not faced with any al-
legation of active wrongdoing by the defendant Coastal. On the
contrary, it is faced with a present condition caused by the
past acts or omissions of unknown parties.

Therefore defendant Coastal submits that none of the
reasons set forth by the plaintiff Borne in support of its
application for preliminary injunctive relief survive careful
scrutiny and examination. Further, defendant Coastal contends
that the plaintiff Borne has failed to satisfy the prerequisites
for the issuance of a preliminary injunction.

The lodestone case governing the issuance of preliminary
injunctions is Citizens Coach v. Camden Horse and Railroad Track, 29
N. J. Eq. 299 (E. & A. 1878).

The Court of Errors and Appeals in the Citizens Coach case established three requirements which must be met before a preliminary injunction will issue. They are as follows:

"First: It is entirely settled that a preliminary injunction will never be ordered unless from the pressure of an urgent necessity. The damage threatened to be done, and which it is legitimate to prevent, during the pendency of the suit, must be, in an equitable point of view, of an irreparable character.

Second: No rule of equity is better settled than the doctrine that a complainant is not in a position to ask for a preliminary injunction when the right on which he founds his claim is, as a matter of law, unsettled.

In the third place: When this order for this injunction was made, every fact that created an equity in favor of the complainant was denied by the answer and proofs of the defendant...

The general rule, subject to but a few exceptions, is, that if the facts constituting the claim of the complainant for the immediate interposition of the court are contraverted, under oath, by the defendant, the court will not interfere at the initial stage of the cause." pp. 303-306

These standards mandated by the Court in the Citizens Coach case have continued to be applied by our Courts. Benton vs. Kiernan, 126 N. J. Eq. 343 (E. & A.) (1939); General Electric Co. vs. Gem Vacuum Stores, 36 N.J. Super. 234 (App. Div. 1955); and Accident Index Bureau vs. Male, 95 N.J. Super. 39 (App. Div. 1967), aff'd 51 N.J. 107.

Application of the Citizens Coach standards to the case sub judice lead to the inevitable conclusion that the plaintiff's application must be denied.

First, the plaintiff has failed to establish that there is an urgent necessity for the same and that it will suffer irreparable injury in the event a preliminary injunction is not issued. Defendant Coastal vacated the Borne premises as of December 31, 1978 or thereabouts. Although plaintiff Borne has continued to conduct its business operations at the same premises since 1917 up to the present, the complaint in this matter was not filed until May 14, 1979. Even if one assumed for the moment that defendant Coastal was responsible for the material presently in Borne's tanks, one may ask whether "urgent necessity" exists where the plaintiff waited 4½ months to commence this action.

Further, defendant Coastal contends that plaintiff has failed to demonstrate that it will suffer irreparable injury absent an injunction. Plaintiff has already stated to the Court that it has procured verbal and written estimates for the costs of cleaning and removing the material presently in its tanks and dike areas. This admission on its face contradicts a charge of irreparable injury, since it constitutes an acknowledgement that pecuniary damages can be assessed if plaintiff is successful in proving its claims. "Irreparable injury" has been defined by our Courts as a material injury for which pecuniary damages would not afford adequate compensation. Scherman v. Stern 93 N. J. Eq. 626 (E. & A. 1922) and Board of Ed., Borough of Union Beach v. N.J. Ed. Ass'n. 96 N.J. Super 371 (Ch. Div. 1967) aff'd 53 N.J. 29.

Defendant Coastal also contends that the plaintiff has failed to establish with certainty, specificity, and corroboration that it is in imminent danger of being shut down by the EPA or having its insurance coverage cancelled as a result of the present condition of its premises. In fact, over 6 months have elapsed since the defendant Coastal has vacated the premises and plaintiff has not introduced any notice from either the EPA threatening a shut down or from its insurance carrier threatening a cancellation in coverage because of the present condition of its premises.

Therefore, the plaintiff herein has failed to satisfy the first requirement for a preliminary injunction.

Plaintiff does not fare any better with the second requirement which demands the denial of a preliminary injunction where the right upon which one founds his claim is unsettled.

In this case, it can not be denied that plaintiff's rights vis-a-vis the defendant Coastal are not clear in view of the material issue of fact as to the identity of party or parties who placed the subject material in the tanks and dike areas in question.

Secondly, upon what case or statute can the plaintiff base its claim of right for injunctive relief pending litigation where plaintiff's essential claim is one for damages? There is none.

Thus it can not be denied that plaintiff's claim of right, at best, is as a matter of law, unsettled and that plaintiff

has failed to satisfy the second requirement of Citizens Coach,
Supra.

Plaintiff's application must be also fail because the third requirement of Citizens Coach, Supra has not been satisfied. The defendant has filed affidavits and certifications which deny that the material allegations made by the plaintiff. As to the use of certifications In Lieu of oath see Rule of Court 1:4-4 (b).

In light of the failure of the plaintiff to satisfy the three requirements set forth in Citizens Coach, the application for a preliminary injunction must be denied.

It also should be noted that the plaintiff does not fall within the exception to the Citizens Coach rule which authorizes the issuance of a preliminary injunction in order to prevent the subject matter of litigation from being destroyed or substantially impaired pending final determination. General Electric Co. vs. Gem Vacuym Stores, 36 N.J. Super. 234 (App. Div. 1955); Pfaus vs. Feder, 88 N.J. Super 468 (Ch. Div. 1965); and Coleman vs. Wilson, 123 N.J. Super 310 (Ch. Div. 1973).

Indeed, the plaintiff is seeking to change the status quo by requesting this Court to issue a mandatory preliminary injunction. Consequently, the status quo exception to the Citizens Coach requirements does not apply to this matter.

Since the plaintiff has not established its right to a preliminary injunction, a fortiori the plaintiff is not entitled to a mandatory preliminary injunction. Such injunctions

are rarely granted before final hearing and are strictly confined to cases where the remedy at law is plainly inadequate and plaintiff has established a right free from doubt or reasonable dispute. Allmann v. United Brotherhood Carpenters, etc. 79 N.J. Eq. 150 (Ch. 1911), aff'd 79 N.J. Eq. 641 (E & A 1911); Hoffmann Hardware Co., v. Naame 18 N.J. Super 234 (Ch. Div. 1952); and Colombo v. Peters 32 N.J. Super 593 (Ch. 1954.)

Such is not the case in this matter before the Court.

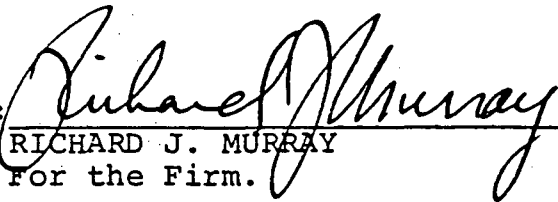
It is also important for the Court to keep in mind that not only is a preliminary mandatory injunction unwarranted both under the facts and the law as set forth above, but also that such an injunction would cause a severe hardship upon Coastal Services which is presently engaged in a number of emergent matters involving the removal and clean-up of hazardous materials. See Certification of Mr. Thomas Dalton. (Para. 15 P.7)

CONCLUSION

On the basis of the foregoing facts and law, defendant Coastal Services, Inc., respectfully requests that the Court deny plaintiff's application for a preliminary mandatory injunction.

SCHWARTZ, STEINBERG, TOBIA & STANZIALE
Attorneys for Defendant Coastal Services
Inc.

BY:


RICHARD J. MURRAY
For the Firm.

HAZARDOUS WASTE INVESTIGATION

Date: February 7, 1979

Inspector: George Smajda

Location: Costal Services

St: S. Front Street

Town: Elizabeth

County: Union

Loc:

Block:

Origin of Complaint: Follow-up for Clean-up

Complainc:

Findings: See Attached Sheet

Recommendations:

On January 29, and February 7, 1979 I inspected the now-abandoned Costal Services facility located on South Front Street, Elizabeth. The purpose of this inspection was to determine if all hazardous waste materials had been removed from the Costal facility.

It appears that the clean-up of the tank farm area is proceeding. A hole had been cut into one tank and most of the sludge had been removed. Black sludge-like material was present inside the diked area.

It appears that Costal left several large storage tanks full of a semi-solid sludge material. During previous discussions with Costal personnel, it was indicated that these inside storage tanks had sludges contained within them and Costal anticipated difficulty removing these materials as they are now fairly solid and no longer pumpable.

I also observed a considerable number of 55 gallon drums stored on a loading dock. These drums, approximately 100-200, contain special waste belonging to Costal Services.

George Smajda
George Smajda

GS:bad

\\
DRUMS
STORED
HERE
\\

TANKS
WITH
SLUDGE
//
BUILDING

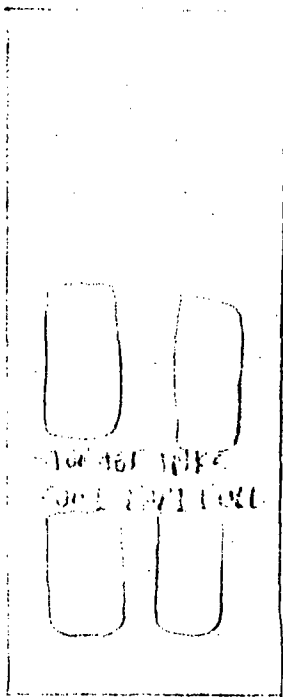
BUILDING

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FARM
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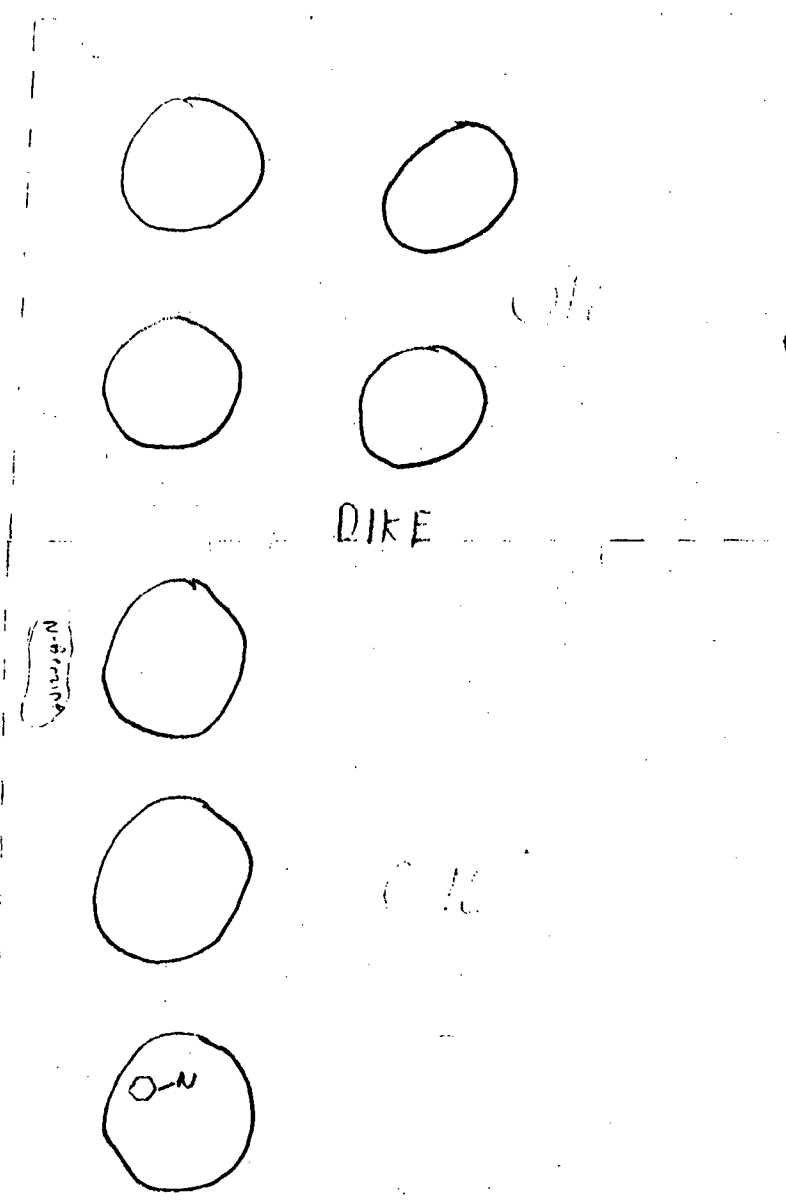
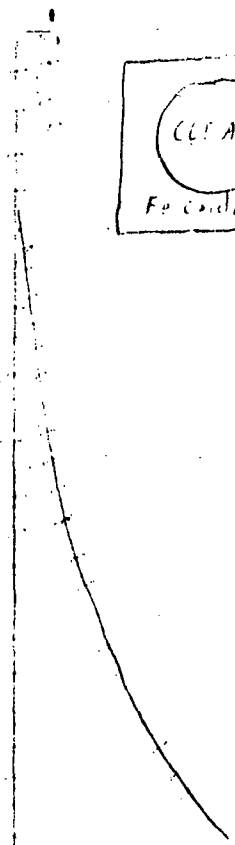
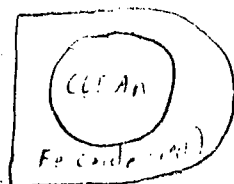
S. FRONT STREET

S. 11001 J.

FAVORITE



n. 200
14 100



COASTAL SEAL (F117)

OFFICE



HAZARDOUS WASTE FACILITY
INSPECTION FORM

Facility Name: Coastal Services
Inc.

ID#

Date: 12/8/78 Time: 10:15

Street:

Lot & Block:

Town: Elizabeth

Phone:

County:

Person Contacted:

Position:

Inspector: M. Kramer/G. Smajda

Weather Conditions: Clear

Wind Dir./SP: NE 2 mph

Temp: 35°

Inspection Observations:

Odors: On Site Moderate Off Site none

Leaks, Spills: Yes X No

Source: Could not be determined; possibly from holding tanks.

Overall Housekeeping:

Poor. Currently in process of cleaning up the site.

Security Measures:

Chain link fence

Safety Features:

Comments:

Coastal Services, not registered as a special waste facility, is currently in the process of shutting down operations on their Elizabeth site. Several activities in conjunction with the clean up operation are being performed.

The major problems encountered during the cleaning up operation are finding a buyer and/or disposing between 60-65,000 gallons of nitrobenzene currently being held in one of their storage tanks.

Also there exists on the tank farm which is used by Coastal Services and the Borne Oil Co. a substantial amount of spilled, or leaking oil covering approximately 5 acres with a maximum depth of 4 inches. The spilled oil surrounds the tanks. A presence of nitrobenzene identified by its light brown-yellow color was also noted around the tank it was being stored in.

The tank farm is diked, however, there is no impermeable liner underneath it. Debris lies scattered throughout the farm.

Other activities include the disposal of a reddish soil around a diked storage tank. The soil appears to be contaminated with Fe oxide.

Coastal Services has received a letter of permission to dispose of 80 yards of this soil at a N.J. landfill. The letter was hand delivered by G. Smajda during the inspection. Additional soil still needs to be disposed of, and more permission will be asked.

F

MEMO

NEW JERSEY STATE DEPARTMENT

ENVIRONMENTAL PROTECTION

TO GEORGE SMAJDA

FROM KEVIN GASHLIN

DATE FEBRUARY 15, 1980

SUBJECT BORNE SCRYMSER CORP., S. FRONT st. ELIZABETH N.J.

On January 31, 1980 I inspected the Borne site to observe progress of waste removal attributed to Peabody- Coastal Services of Elizabeth. Coastal had occupied storage capacity through a rental agreement until Coastal shut down operations in December 1978. Clean-up had been undertaken by Coastal and continued through January 1979 when conflict evolved between the two principals concerning ownership of remaining waste. Litigation is currently active to decide ultimate responsibility (see attached letter from Tom Dalton and statement of facts from Coastal).

Upon my arrival at Borne, I contacted representative Ed Cincotta who supplied information concerning tank contents and drummed waste on the premises. See attached information. Storage has been lengthy and spillage resulting in on site soil contamination is extensive in storage areas (see attached report dated 12-8-78). Conditions described are consistent with those I observed on 1-31-80.

Tank contents on Borne Property as of 1-31-80 supplied by Ed Cincotta total quantity = 400 - 500K gal.

	<u>TANK</u>	<u>CONTENTS</u>
*	24	2 feet of liquid
*	25	#4 fuel oil
*	27	bottom solids
*	29	water/nitro benzene
*	32	water, dirty
	34	water
*	33	oil
*	23	water
*	22	heptonol. 4' 6''
	42	contaminated sludge

*Please refer to attached analysis dated 5-18-79 by Caleb Brett.

Cincotta stated that no material had been removed in months. My assumption therefore is that the analysis accurately reflects the contents of the (*) designated tanks. This should be verified by updated analysis. The drummed contents were described as being "waste oils and chemicals". Many of these were leaking. Their location can be observed on the attached diagram.

F

At the time of my inspection, a diked depression, 20'x30', contained a clear frozen layer under which was located a black substnace. Cincotta was not certain of the contents.

Due to the lack of progress in the case, I request that an administrative order be issued to Borne-Scrymeser Corp. for illegally storing waste materials on their property.

Kevin F. Gashlin
KEVIN GASHLIN

vd

F

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 Federal Plaza
New York, New York 10278

----- x
In the Matter of :
 :
Borne Chemical Company, Inc. :
Elizabeth, New Jersey : SETTLEMENT AGREEMENT
 :
Violation of the Oil Pollution : EPA Docket No. OH-II-81-1
Prevention Regulations Promulgated :
Pursuant to Section 311(j)(1)(C) :
of the Clean Water Act, 33 U.S.C. :
§ 1321(j)(1)(C) (1978) :
----- x

HISTORY

On February 26, 1981 a Notice of Violation was issued by Region II of the United States Environmental Protection Agency (EPA) against Borne Chemical Company (Respondent) for failure to prepare and maintain at its facility located at 632 Front Street, Elizabeth, New Jersey, a Spill Prevention Control and Countermeasure (SPCC) Plan as required by 40 C.F.R. Part 112 (1980). On March 9, 1981 Respondent submitted to EPA an SPCC Plan (the Plan) for its Elizabeth, New Jersey facility. This Plan was later amended by Respondent by letter to EPA of June 2, 1981. Settlement negotiations between EPA and Respondent were conducted and resulted in agreement as to the conditions set forth herein.

SETTLEMENT AGREEMENT

The EPA and Respondent hereby agree to the following terms in settlement of the above-captioned matter:

1. Respondent admits to the violations enumerated in EPA's Notice of Violation, EPA Docket No. OH-II-81-1, dated February 26, 1981. Respondent

withdraws its request for a hearing, made in a document dated March 20, 1981 entitled "Request for a Hearing and Statement, etc." (Request), and waives its right to request a hearing in this matter.

2. Respondent shall, by June 1, 1982, complete "Phase I" of its implementation of the Plan as outlined in its Request, provided that in addition to the "Items" listed in "Phase I," Respondent shall complete the repair of the tank farm dike.

3. Respondent shall, by September 1, 1982, complete "Phase II" of its implementation of the Plan as outlined in its Request.

4. Respondent shall, by December 1, 1982 complete the balance of "Phase III" of its implementation of the Plan as outlined in its Request.

5. Respondent shall, by March 1, 1983, complete "Phase IV" of its implementation of the Plan as outlined in its Request.

6. Respondent shall, by June 1, 1983, complete "Phase V" of its implementation of the Plan, and thereby full implementation of the Plan, as outlined in its Request.

7. No later than five (5) working days following each of the dates in paragraphs 2, 3, 4, 5, and 6 (supra). Respondent shall send to EPA an affidavit identical in form to the one attached as "Exhibit One" and signed by a duly-authorized officer, director, agent or attorney, verifying that the phase of implementation has been completed in accordance with the Plan.

8. This Settlement Agreement is in satisfaction of EPA's Notice of Violation, EPA Docket No. OH-II-81-1, dated February 26, 1981, pending Respondent's complete implementation of the Plan in accordance with the above schedule. In consideration for Respondent's complete and timely implementation of the Plan, and in consideration of Respondent's financial status, EPA and Respondent agree that the penalty proposed to be assessed in the Notice

of Violation of February 26, 1981 be mitigated and suspended as follows: (1) In the event Respondent implements completely the Plan in accordance with the above schedule, the penalty proposed to be assessed in the Notice of Violation of February 26, 1981 will be withdrawn; (2) In the event Respondent fails to implement completely any of the interim phases of implementation of the Plan identified in paragraphs 2, 3, 4, 5, and 6 (supra), Respondent will, within ten (10) days of receipt of written demand from EPA, pay a liquidated penalty of fifty dollars (\$50.00) for each day the implementation remains incomplete, said payment to be forgiven in the event Respondent achieves full implementation of all phases of the Plan by the date identified in paragraph 6 (supra); (3) In the event Respondent fails to complete full implementation of the Plan by the date identified in paragraph 6 (supra), Respondent will, within ten (10) days of receipt of written demand from EPA, pay a liquidated penalty of five thousand dollars (\$5,000.00). Any payment will be by certified or cashier's check payable to the order of the "United States Coast Guard" and submitted to EPA at the address indicated above to the attention of the Director, Enforcement Division.

9. This Settlement Agreement is entered into without prejudice to EPA's authority, in the event Respondent fails to implement completely the Plan, to re-issue a Notice of Violation and propose assessment of penalties for the identical violations of the Oil Pollution Prevention Regulations [40 CFR Part 112 (1980)] enumerated in the Notice of Violation of February 26, 1981, or for any other violation of said regulations.

10. This Settlement Agreement will be effective on the date it is executed by the Regional Administrator.

Dated this day

By: _____

of , 1982.

JACQUELINE E. SCHAFER
Regional Administrator
Region II
United States Environmental Protection Agency

Dated this day

BORNE CHEMICAL COMPANY, INC.

By: _____

of , 1982.

Title: _____

Dated this day

SIGNATURE

of , 1982.

PRINT NAME

Attorney for Borne Chemical Company, Inc.

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT
NATIONAL ENFORCEMENT INVESTIGATIONS CENTER
BUILDING 53, BOX 25227, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

TO : John Czapor, Chief
Hazardous Substances Section, Region II

DATE: April 5, 1982

FROM : Theodore O. Meiggs, Ph.D. *Dean Hill for T.O. Meiggs*
Assistant Director, Laboratory Services

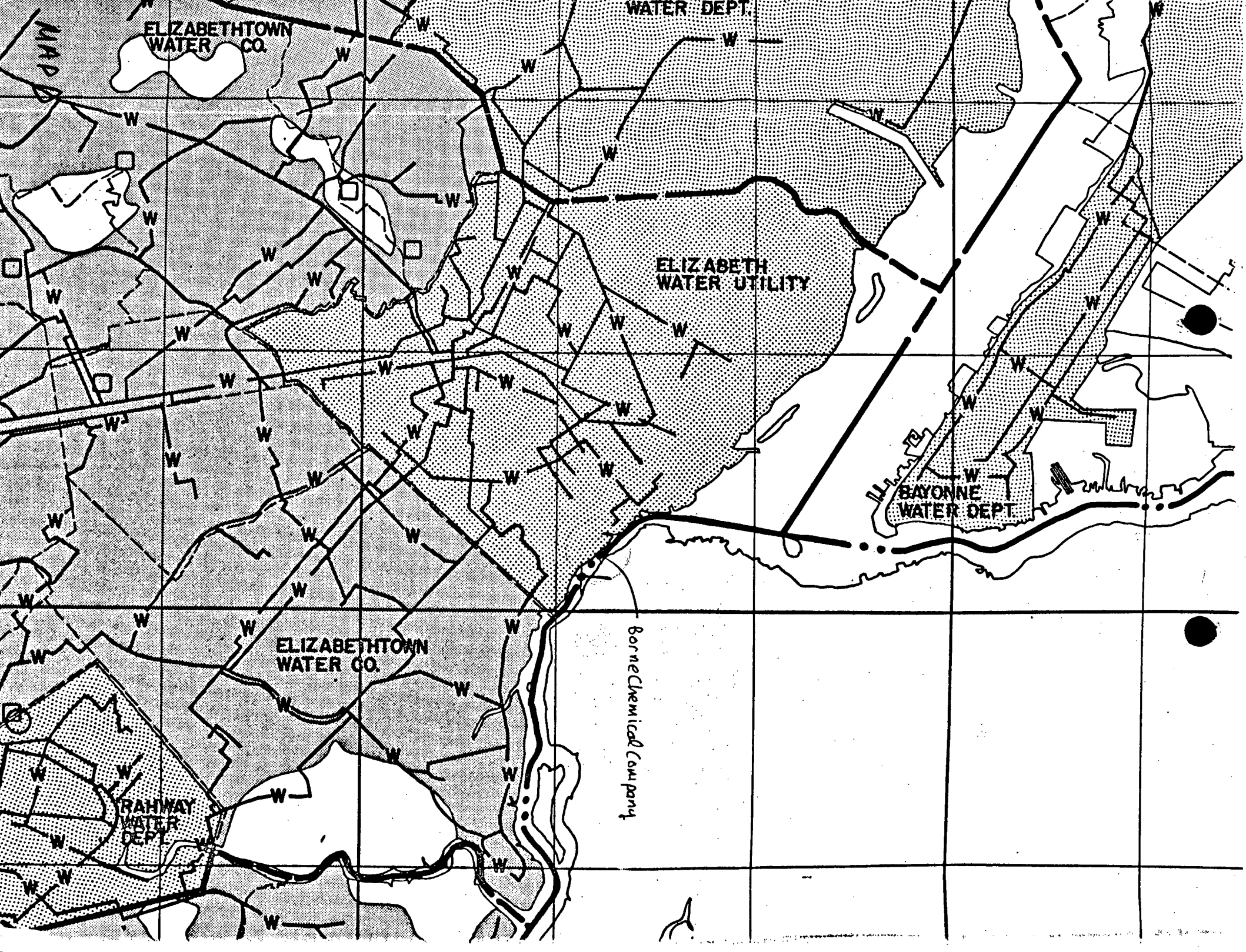
SUBJECT: Review of PCB Results, E&E Laboratories

At your request, we have reviewed the analytical data from Ecology & Environment (E&E) related to the PCB analyses of samples from storage tanks at Borne Chemical. E&E did not positively identify PCB's in any of the five samples at a detection limit of 30 ppm of total PCB's by electron capture-gas chromatography (EC-GC). Stablex-Reutter Laboratories had previously reported significant levels of PCB's in at least several samples from the same tanks to the New Jersey Department of Environmental Protection (See March 18th memo, Meiggs to Corcory, for review of Stablex-Reutter results). E&E noted that the samples from Tanks 22 and 32 "contained patterns somewhat similar to that of Aroclor 1254 and 1260". They failed to confirm these PCB's by gas chromatography/mass spectrometry (GC/MS) at a detection limit of 35 ppm.

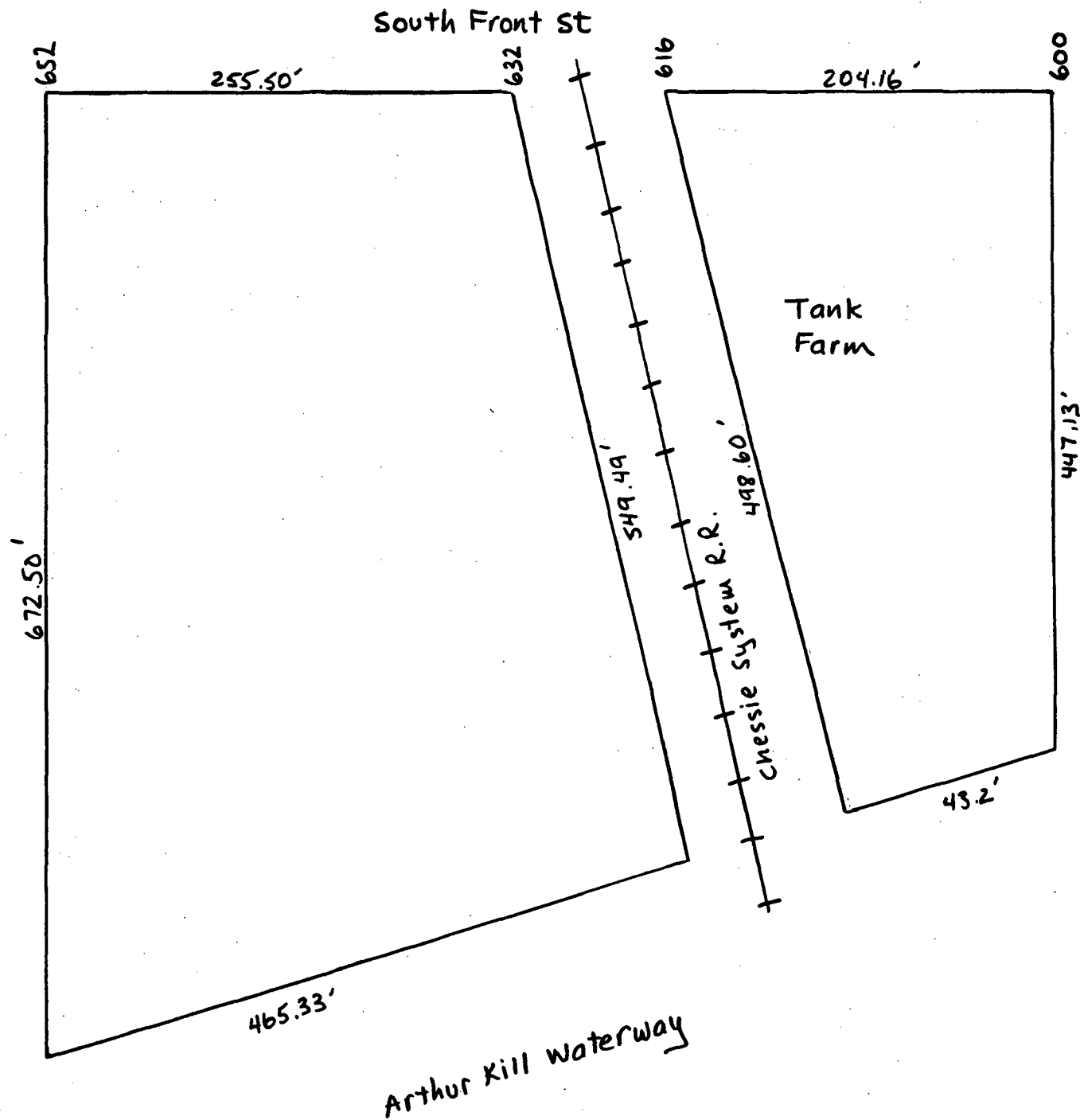
The methodology used by E&E (hexane dilution followed by acid, mercury and Florisil clean-up) is consistent with EPA developed methodology ("The Analysis of Polychlorinated Biphenyls in Transformer Fluid and Waste Oils", February, 1981). The EC-GC chromatograms for the samples from Tanks 22 and 32 closely resemble low level, possibly weathered Aroclor patterns. However, it is not possible to calculate the concentrations of the PCB's in these samples from the E&E report since the concentrations of Aroclor standards were not provided. The concentrations in the sample may very well be beneath the GC/MS detection limit of 35 ppm given by E&E. Use of an alternate EC-GC column, such as 1.5% OV-17 + 1.95% OV-210, as specified in the Agency waste oil method may have confirmed the presence of PCB's below the detection level available by GC/MS. Additional clean-up, i.e. silica gel and/or gel permeation, may also have allowed for a lower detection limit, preferably 1 ppm for waste oils.

Please advise if we may provide any further assistance in this matter.

cc: Eric Nottingham, EPA, NEIC
Ronald Corcory, NJ DEP
William Coakley, EPA, Reg. II



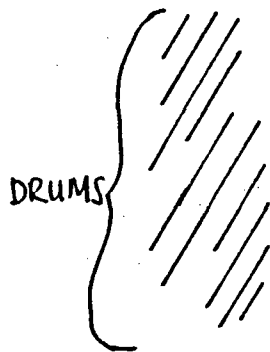
MAPE



Borne Scrymser Corp
"Borne Chemical Company"
Block 4 Lot 1469
4.9073 Acres.

River

unlined
Diked area
containing
storage
tanks
and spilled
oil, debris



Borne
production
and
warehouse
bldg.

20'x30'
Diked
Depression

entrance

Guardhouse

Borne
labs.

Offices

S. FRONT ST.

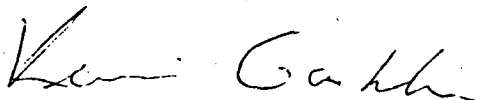
MEMO

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO George Smaida
FROM Kevin Gashlin DATE March 14, 1980
SUBJECT Borne - Scrymser Corporation, S. Front St., Elizabeth, NJ

As you know, Borne Chemical and Coastal are in litigation to determine the extent of Coastal's liability regarding cleanup of storage tanks leased by Coastal from Borne. As of the above date, no settlement has been approved by Borne's officials. The most recent offer by Coastal was refused on February 11, 1980.

Coastal has maintained that their responsibility extends only to 13 storage tanks, 11 of which were emptied by early 1979. Attempting to resolve this problem, I have issued an N.C.P. to Borne requiring them to dispose of all waste material currently being stored on their property. Although this includes the two tanks which Coastal claims, the property on which the tanks are located belongs to Borne. It's therefore the responsibility of Borne to oversee proper and prompt disposal. Hopefully, official action by our department will help Borne and Coastal cooperate.



K.G.

KG:jr

REVIEWED 3-25-80

F

MEMORANDUM

State of New Jersey
Department of Environmental Protection

TO: Ralph Pasceri

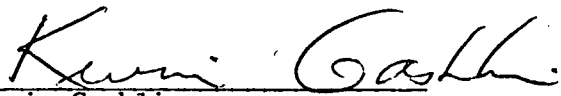
DATE: April 30, 1980

FROM: Kevin Gashlin

SUBJ: Synopsis of activity at Borne-Scrymser Corp./Peabody Coastal Services Facility

LOCATION: 600-616 and 632-650 S. Front Street, Elizabeth, New Jersey

On December 8, 1978 Coastal Services was observed to have amounts of possibly hazardous waste on site in tank facilities rented from Borne. Removal of waste oils had begun in September 1978 and continued through January 1979. A February 7, 1979 inspection observed that Coastal had abandoned several large storage tanks containing sludge and 100-200 drums of special waste. Litigation ensued in May of 1979 with the plaintiff (Borne) disclaiming responsibility for the remaining material and the defendant (Coastal) denying that they ever occupied the tanks alleged by Borne. Responsibility for some on site material was assumed by the defendant. On January 31, 1980 inspection revealed that there had been no progress in on-site clean up. Borne representatives estimated that 400-500k gallons of various waste types remain on site. A February 4, 1980 settlement offer from Coastal was rejected by Borne on February 11. The inactivity of the case was detailed in a February 15 report and recommendations for N.O.P.'s to both parties were submitted on March 14. The orders to Borne and Coastal were issued on April 21, 1980 for violation of N.J.A.C. 7:26-2.2(b) and (c).


Kevin Gashlin

gd

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO TO FILE

FROM NORMAN DAVIS, JR. HSMS IV, BUREAU OF PLANNING AND ASSESSMENT DATE

SUBJECT COASTAL ENVIRONMENTAL SERVICES, NJD 980530836

Coastal Environmental Services was using the Borne Chemical tank farm from 1973 until December 1978. During this time the Borne tank farm was an operational base for Coastal as a temporary storage area for liquid waste materials it collected. During this time Coastal was renting about $\frac{1}{2}$ of the 23 tanks available at the farm. Due to a dispute over the responsibility for the waste problems at Borne both parties went to court. The results of the court litigation was a full transfer of Coastal's responsibility to Borne after a monetary settlement on behalf of Borne. Therefore Coastal Environmental site NJD 980530836 is an AKA for the Borne Chemical Company site NJD 00216/237 in Elizabeth, New Jersey.

F



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF REGULATORY SERVICES

CN 402

TRENTON, N.J. 06625

609-292-2906

RECEIVED
DIV. WATER
MSRE

MICHAEL F. CATANIA
DIRECTOR

HERBERT E. BENNETT
KEITH A. ONSDORFF
ASSISTANT DIRECTORS

January 9, 1984

Mr. Ernest Roth
Valley Forge Engineering, Inc.
P.O. Box 798
Bryn Mawr, Pa. 19010

Re: Borne Chemical Co., Inc. Site

Dear Mr. Roth:

I am setting forth in this letter my understanding of the Department's requirements for your parcel (Parcel B) of the Borne Chemical Co., Inc. (Borne) site. This letter should reflect your discussions on December 20, 1983 with Chris Altomari, Fred Sickels, Walt Nedick, Scott Santora and myself, representing the Department, plus the telephone conversation that you and I had on December 21, 1983.

The major portion of our discussions at the meeting concerned the sampling and analysis of the tanks and soils on Parcel B. Your first concern was that you needed some assurance that the contractor you would employ for the sampling work to be done at the site and the analysis of the samples be acceptable to the Department. You had proposed Ecology & Environment (E&E) as your contractor. E&E is acceptable to the Department to do this work. Before the sampling begins, E&E will have to submit a plan for sampling and analysis to the Department for approval. I have set out in Appendix I where the samples are to be taken and the parameters for each sample. In Appendix II I have set out in general terms the Department's requirements for the parcel.

We agreed at the meeting that the sampling and analysis of the oil phase in certain tanks could proceed as a preliminary step. However, as we discussed in our telephone conversation, removal of any materials from any tank cannot be initiated until sampling and analysis of all phases in the tank has been completed. EPA requirements for the cleanup and disposal of PCB's mandate that all of this work must be done prior to cleanup of a tank. As I told you this is because EPA interprets their regulations as requiring that if any phase of a tank contains high levels of PCB's, all phases must be treated as being contaminated to the same degree. If you still wish to do your work in stages, you do not have to sample all tanks at once.

You stated as your intention to send the waste oil to Flowen Oil Delaware Valley, Inc., the waste water to Dupont's Deepwater treatment

facility and the waste sludge to the Norlite facility in New York. You will be using Borne's EPA generator number for manifesting purposes. The removal of the soil from the site will depend on the results of the analysis. (Soil analysis will have to be submitted as part of your submission for the DPCC/DCR plan.)

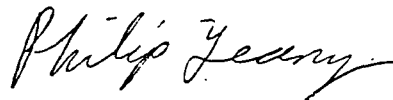
I should note that a proposed DPCC/DCR must be submitted at least 90 days prior to the facility being used. The Department's initial approval for Borne's DPCC/DCR plan allowed five years for implementation. This was because of Borne's weak financial status. The Department would expect that a DPCC/DCR plan for Parcel B would be implemented over a very much shorter time frame since Borne's DPCC/DCR plan involved a larger area. Submissions for the other required permits should be in accordance with applicable regulations.

As was noted in our meeting the Department is concerned with the cleanup of the entire site presently owned or used by Borne. Borne used a parcel (Parcel C) which separates Parcel A from Parcel B. Although the Rolfite Company may remove drums stored on Parcel C, there is an existing surface impoundment on Parcel C, for which neither you, Rolfite, Borne, nor Bruncor has been willing to take responsibility. This is to inform you that the Department will take all necessary enforcement action to insure that this impoundment is cleaned up.

As I discussed with you, the "Environmental Cleanup Responsibility Act", P.L. 1983, c.330, became operative on December 31, 1983. If the transfer of Parcels A and B did not occurred prior to this date, then the statute and regulations promulgated thereunder apply. I have enclosed a copy of each for your information.

If you have any questions or comments about this, please contact me at (609) 292-2689.

Very truly yours,



Philip Yeany

Attachments

APPENDIX I

Sampling and Analysis for All Tanks

I. Where samples are to be taken (All samples are to be kept separate.)

- A. One foot from top (for oil phase) or the middle of the phase if less than one foot
- B. Middle of aqueous phase
- C. Six inches above top of sludge
- D. Sludge - approximately the middle

II. Method of Sampling and Analysis

- A. The Department would prefer the use of a Bacon Bomb sampler.
- B. The field sampling plan should outline all field sampling techniques and laboratory analysis procedures.

III. Parameters for analysis

A. Oil Phase

- 1. PCB's
- 2. Total Chlorine
- 3. Flash point
- 4. Sulfur
- 5. BTU's
- 6. Viscosity
- 7. Ash

B. Aqueous Phase

- 1. Cyanide
- 2. Sulfide
- 3. PCB's
- 4. Total Organic Carbon (TOC)

C. Sludge

- 1. BTU's
- 2. PCB's
- 3. ICP or X-ray (for metals)
- 4. Ash
- 5. Cyanide
- 6. Chlorine
- 7. Sodium Sulfide

D. Soil

- 1. Priority pollutants plus forty
- 2. Total petroleum hydrocarbons

APPENDIX II

Tank Farm ("Parcel B")

The tank farm includes numerous large holding tanks where oils and liquids have been stored. The area is unlined. The tanks and the diking are of unknown integrity. The major environmental and safety concerns regarding this portion of the facility entail the analysis, identification, and removal of waste materials and residual sludges stored in the tanks, the removal of contaminated soils, the cleansing of tanks and the disposal of sludges, residues and waste-encrusted pipes.

A. Waste Inventory and Removal Program

1. The responsible parties should develop a waste inventory of materials on site and identify the waste types and characteristics of all such materials. This identification program should be submitted to NJDEP for review and approval prior to implementation and include the following items: site safety during sampling, identification of appropriate analytic parameters and techniques, identification of sampling techniques, and the identity of all contractors.
2. The responsible party should develop a remedial action plan based on the results of the sampling and waste inventory in order to address the following items:
 - a. environmental contamination originating at the site
 - b. site safety during remedial operations
 - c. removal of materials stored in tanks
 - d. tank cleaning and repair if future use is intended
 - e. identification and removal of contaminated soils
 - f. identification of all contractors including transporters and disposal facilities.

B. Soil Plan

The DPCC/DCR Spill Prevention Plan, approved by NJDEP in April 1983 addressed this parcel as only one part of the entire site. Any potential operator of this facility must submit a revised plan limited to this facility with a revised schedule for implementation and, upon approval by the Department, this plan should be implemented.

C. Permits

The owner and operator of the facility shall obtain all required permits from the NJDEP for the proposed operation of the facility as a tank farm. This may include discharge permits pursuant to the New Jersey Water Pollution Control Act, the implementation of federal SPCC and State DPCC/DCR Plans required by the New Jersey Spill Compensation and Control Act, the registration of the corporation as a generator pursuant to the New Jersey Solid Waste Management Act and RCRA requirements, the registration and filing of engineering and

design documents for the facility pursuant to the Solid Waste Management Act, and any and all air pollution control permits.

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO Thomas B. Harrington, Supervisor, Metro Region
FROM Richard White *RW* DATE February 17, 1984
SUBJECT Borne Chemical Company, South First Street, Elizabeth, NJ

On November 11, 1984 the Borne Chemical Company facility in Elizabeth was visited for the purpose of obtaining samples of the lagoon/surface impoundment located on the site. Present during the sampling were:

Mr. E. Cincotta, Plant Manager
Mr. H. Brunwasser, Partner, Brun-Cor
Mr. G. Coronna, Partner, Brun-Cor

Samples were obtained Chain of Custody for Temp, pH, COD, TOC, Chloride, TSS, Petroleum Hydrocarbons, Cadimium, Chrome, Mercury, Lead, Zinc, V.O. Scan and PCB's.

The results of the analysis is attached.

A53:G25

Attachment

*Sample results
forwarded to DWM
3/23/84*

JTB

*Water Quality
West Orange
6-17-87*

BACT. LAB NO. _____
 DATE REC'D _____
 BOTTLE NO. **24805**
 DATE REC'D _____
 STORET ENT. _____
 READ _____

S C , , 840111 1050 (1) P 9 , 24005 ,

ADDITIONAL ANALYSIS

FD-302

Part 3 (Pink) - Laboratory
 Part 4 (Goldensrod) - Field Sample Only

6

- Water Resources Copy (For Trans

STATE OF NEW JERSEY
Department of Environmental Protection
Division of Water Resources
WATER ANALYSIS

CHAIN OF CUSTODY

PLEASE TYPE OR PRINT
WITH BALLPOINT PEN

MUNICIPALITY L. 12 100711	COUNTY L. 12 100711	STREAM L. 12 100711
FACILITY D. 12 100711	LOCATION L. 12 100711	TITLE L. 12 100711
REPRESENTATIVE L. 12 100711	TITLE L. 12 100711	COLL NAME L. 12 100711
REMARKS L. 12 100711		

BACT. LAB NO.	
DATE REC'D.	
BOTTLE NO.	24806
DATE REC'D.	
STORET	ENT. READ

STATION IDENTIFICATION NUMBER

YR. MO. DAY

HOUR

SC. 24806	840111	1150
-----------	--------	------

FIELD ANALYSIS

<input checked="" type="checkbox"/> Water Temp °C	P10,	0-0
<input type="checkbox"/> D.O.-Winkler	P300,	
<input type="checkbox"/> D.O.-Probe	P299,	
<input type="checkbox"/> pH (Field)	P400,	
<input type="checkbox"/> Sample Depth-ft.	P3,	
<input type="checkbox"/> Gage Height-ft.	P65,	
<input type="checkbox"/> Spec. Cond. @ 25°C	P95,	
<input type="checkbox"/> Salinity ‰/00	P480,	
<input type="checkbox"/> Tide Stage	P70211,	

BACTERIOLOGICAL - DILUTIONS (REQUESTED)

Fecal Coliform	10	1	10	-1	-2	-3	-4	-5	-6
Total Coliform	10	1	10	-1	-2	-3	-4	-5	-6
Fecal Streptococci	10	1	10	-1	-2	-3	-4	-5	-6
Fecal coli /100 ml	MPN	P31615,							
	MF	P31613,							
Fecal Strept MPN /100 ml	P31677,								
Tot coli MPN /100 ml	P31505,								

BIOCHEMICAL OXYGEN DEMAND

INITIAL D.O. (lab.) _____ SAMPLE
SEED YES ☐ NO ☐

CONC. %			
BOD			

<input type="checkbox"/> BOD	<input type="checkbox"/> 5-DAY P310,	
	<input type="checkbox"/> 6-DAY P312,	

ANALYSIS

UNITS

PARAMETER

VALUE

RMKS.

<input type="checkbox"/> Benzene				
<input type="checkbox"/> o-dichlorobenzene				
<input type="checkbox"/> p-dichlorobenzene				
<input type="checkbox"/> 1,2-dichloroethene				
<input type="checkbox"/> n-propyl benzene				
<input type="checkbox"/> Toluene				
<input type="checkbox"/> Trichloroethene				
<input type="checkbox"/> 1,3,5-trimethylbenzene				
<input type="checkbox"/> o-xylene				
<input type="checkbox"/> m-xylene				
<input type="checkbox"/> 4-unidentified peaks				

P				
P				
P		55		
P		28		
P		21		
P		305		
P		10		
P		39		
P		3		
P		4		
P		7		
P		10		
P				
P				
P				
P				
P				
P				
P				
P				
P				
P				

RECEIVED

DATE

TIME

CHAIN OF CUSTODY
FROM (NAME)

TO (NAME)

DEPT. ENVIRONMENTAL PROTECTION
NEWARK OFFICE

FEB 9 1984

NEW JERSEY
Chemistry Laboratory

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
TRENTON, NEW JERSEY 08625

CHAIN OF CUSTODY RECORD

NAME OF UNIT AND ADDRESS:

17-
1100 Raymond Boulevard, Suite 500
Hewlett, N.J.

SAMPLE NUMBER	Number of Containers	DESCRIPTION OF SAMPLES
24805	1	250 ml pH
"	1	1000 ml GEN. CHEM. (CHLORIDE, TSS
"	1	200 ml COD & TOC
"	1	2000 ml METALS (Cd, Cr, Cu, Hg, Pb, Zn)
24806	4	V.O. Scan
"	2	Blanks
24807	1	2000 ml P.O.S. BORNE CHEMICAL Co C/O NEW YORK FIRST IT, EAST RUTHERFORD, N.J.

PERSON ASSUMING RESPONSIBILITY FOR SAMPLE:

Richard White

TIME DATE

1:45 1/11/84

SAMPLE NUMBER	RELINQUISHED BY:	RECEIVED BY:	TIME	DATE	REASON FOR CHANGE OF CUSTODY
24805-1	R. WHITE	My. Zuck	1:45	1/11/84	Transport to Trenton
24805-7	My. Zuck	Ram. Banger	1540	1/11/84	DOH RECEIVING AREA
24805	Ram. Banger	My. Zuck	9:35	1/11/84	COO
	Ram. Banger	R. Robinson	9:35	1/12/84	TOC
	Ram. Banger	My. Zuck	9:35	1-12-84	Suspended Solids
	Ram. Banger	Ram. Banger	1540	1/11/84	pH
	Ram. Banger	Chris Hargrave	11:20	1/17/84	Chloride
	Ram. Banger	Chris Hargrave	1:25 PM	1-12-84	Petroleum Hydrocarbons
	Ram. Banger	William Sam	9:15	1/13/84	CO/POB
	Ram. Banger	William Sam	9:15	1/13/84	Cd/Cu/Zn
	Ram. Banger	William Sam	11:20	1/13/84	Hg
24806	Ram. Banger	Mahmud S. Hargrave	2:30	1/19/84	VO Scan
24807	Ram. Banger	My. Zuck			PCB's
					DEPT. ENVIRONMENTAL PROTECTION NEWARK OFFICE
					FEB 3 1984
					NUDOH Environmental Chemistry Laboratory

G

60337

1213184

Facility:

Sample Point:

Date Sampled:

Time Sampled:

Units Of Measure

MDL

Value

RECEIVED DEC 4 1964
Comments

G

84763-B

by MW Chynow

12/3/54

Facility: [redacted] Sample Point: [redacted]

Date Sampled:
Y Y M M D D

Time Sampled: :
H H M M

Parameter	Units Of Measure	MDL	Value	RECEIVED COMMENTS
OPTIONALS				
Chloride	mg/l			
Fluoride	mg/l			
Nitrate as N	mg/l			
Sulfate as SO ₄	mg/l			
Phenolics, Total	mg/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Halides (TOX)	ug/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Total Organic Carbon	mg/l			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
Specific Conductance (Lab)	um/cm			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
pH (Lab)	std			
Acidity as CaCO ₃	mg/l			
Alkalinity as CaCO ₃	mg/l			
Alkalinity, Total as CaCO ₃	mg/l			
Ammonia as N	mg/l			
Bicarbonate as CaCO ₃	mg/l			
Biochemical Oxygen Demand	mg/l			
Bromide	mg/l			
Carbonate as CaCO ₃	mg/l			
Chemical Oxygen Demand	mg/l			
Chlorine, Total	mg/l			
Coliform, Total	C/100			
Coliform, Fecal	C/100			
Color, Apparent (Lab)	Pt/Co			
Cyanide, Total	mg/l			
Dissolved Organic Carbon	mg/l			
Gross Alpha	PCi/l			
Gross Beta	pCi/l			
Hardness as CaCO ₃	mg/l			
Nitrite as N	mg/l			
Nitrogen Total Kjeldahl (TKN)	mg/l			
Nitrogen Total Organic Carbon	mg/l			
Oil and Grease (grav. IR)	mg/l			
Petroleum Hydrocarbons (IR)	mg/l	1445	312,000	mg/kg
Phosphate, ortho	mg/l			
Phosphate, Total	mg/l			
Phosphorus	mg/l			
Solids, Total	mg/l			

6

12

RECEIVED DEC 04 1961

6

Subcontracted Analytical Results

ETC Job # 60338

LS4783-84
 Rec by: MW Chaper
12/3/84

Facility: Sample Point:

Date Sampled: Time Sampled:

RECEIVED DEC 4 1984

Line No.	Parameter	Units Of Measure	MDL	Value	Comments
CONVENTIONALS					
1	Chloride	mg/l			
2	Fluoride	mg/l			
3	Nitrate as N	mg/l			
4	Sulfate as SO4	mg/l			
5	Phenolics, Total	mg/l			
6	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
	Total Organic Halides (TOX)	ug/l			
7	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Total Organic Carbon	mg/l			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
	Specific Conductance (Lab)	um/cm			
9	pH (Lab)	sta			
	pH (Lab)	stc			
	pH (Lab)	std			
	pH (Lab)	std			
10	Acidity as CaCO3	mg/l			
11	Alkalinity as CaCO3	mg/l			
12	Alkalinity, Total as CaCO3	mg/l			
13	Ammonia as N	mg/l			
14	Bicarbonate as CaCO3	mg/l			
15	Biochemical Oxygen Demand	mg/l			
16	Bromide	mg/l			
17	Carbonate as CaCO3	mg/l			
18	Chemical Oxygen Demand	mg/l			
19	Chlorine, Total	mg/l			
20	Coliform, Total	C/100			
21	Coliform, Fecal	C/100			
22	Color, Apparent (Lab)	PCU			
23	Cyanide, Total	mg/l			
24	Dissolved Organic Carbon	mg/l			
25	Gross Alpha	pCi/l			
25	Gross Beta	pCi/l			
27	Hardness as CaCO3	mg/l			
28	Nitrite as N	mg/l			
29	Nitrogen Total Kjeldahl (TKN)	mg/l			
30	Nitrogen Total Organic	mg/l			
31	Odor (Lab)	TON			
32	Oil and Grease (grav. IR)	mg/l			
33	Petroleum Hydrocarbons (IR)	mg/l	0.5	106,000	mg/kg
34	Phosphate, ortho	mg/l			
35	Phosphate, Total	mg/l			
36	Phosphate, dissolved	mg/l			
37	Solids, Total	mg/l			

Par	ENTIO
Chloride	Chloride
Fluoride	Fluoride
Nitrate	Nitrate
Sulfate	Sulfate
Phenolics	Phenolics
Total Organic Halides	Total Organic Halides
Total Organic Halides	Total Organic Halides
Total Organic Halides	Total Organic Halides
Total Organic Halides	Total Organic Halides
Total Organic Carbon	Total Organic Carbon
Total Organic Carbon	Total Organic Carbon
Total Organic Carbon	Total Organic Carbon
Specific Conductance	Specific Conductance
Specific Conductance	Specific Conductance
Specific Conductance	Specific Conductance
Specific Conductance	Specific Conductance
pH	pH
pH	pH
pH	pH
pH	pH
Acidity	Acidity
Alkalinity	Alkalinity
Alkalinity	Alkalinity
Alkalinity	Alkalinity
Ammonia	Ammonia
Bicarbonate	Bicarbonate
Biochemical Oxygen Demand	Biochemical Oxygen Demand
Bromide	Bromide
Carbonate	Carbonate
Chemical Oxygen Demand	Chemical Oxygen Demand
Chlorine	Chlorine
Coliform	Coliform
Coliform	Coliform
Coliform	Coliform
Coliform	Coliform
Color	Color
Cyanide	Cyanide
Dissolved Organic Carbon	Dissolved Organic Carbon
Gross Alpha	Gross Alpha
Gross Beta	Gross Beta
Hardness	Hardness
Nitrite	Nitrite
Nitrogen	Nitrogen
Nitrogen	Nitrogen
Nitrogen	Nitrogen
Nitrogen	Nitrogen
Odor	Odor
Oil and Grease	Oil and Grease
Petroleum Hydrocarbons	Petroleum Hydrocarbons
Phosphate	Phosphate
Phosphate	Phosphate
Phosphate	Phosphate
Solids	Solids

6

Appendix E

Chain-of Custody Forms

- 1) A field Chain-of-Custody form (CCf) is included for all samples shipped by ETC shuttle.
- 2) An in-house sample Chain-of Custody form is included for the period the sample was in ETC's possession.
- 3) A subcontractor's Chain-of-Custody form is included for any analytical work not performed within ETC's laboratory.
- 4) Any additional Chain-of-Custody material provided by a client or by a client's sampling agent is also included.

MEMO

TO Fred Sirkels

FROM Wayne Howitz DATE 15 NOV 1984

SUBJECT Analytical results received verbally by telephone
Case: Borne Chemical

On November 14, 1984 at 0902 hours, I received the following results verbally by telephone from Ian Lambert of Stablex-Reutter, Inc., Cherry Hill, NJ.

Volatiles	FAS018	FAS019	FAS020
Acrolein	LT 10 ppm	LT 10 ppm	LT 10 ppm
Acrylonitrile	LT 10 ppm	LT 10 ppm	LT 10 ppm
Benzene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Bis(chloromethyl)ether	LT 10 ppm	LT 10 ppm	LT 10 ppm
Bromoform	LT 10 ppm	LT 10 ppm	LT 10 ppm
Carbon Tetrachloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chlorobenzene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chlorodibromomethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
2-chloroethylvinyl ether	LT 10 ppm	LT 10 ppm	LT 10 ppm
Chloroform	LT 10 ppm	LT 10 ppm	LT 10 ppm
Dichlorobromomethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Dichlorodifluoromethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1-dichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 2-dichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1-dichloroethylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 2-dichloropropane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 3-dichloropropylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Ethylbenzene	LT 10 ppm	1,300 ppm	LT 10 ppm
Methyl bromide	LT 10 ppm	LT 10 ppm	LT 10 ppm
Methyl chloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
Methylene chloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1, 2, 2-tetrachloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Tetrachloroethylene	LT 10 ppm	40 ppm	LT 10 ppm
Toluene	LT 10 ppm	570 ppm	LT 10 ppm
1, 2-trans-dichloroethylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1, 1-trichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
1, 1, 2-trichloroethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Trichloroethylene	LT 10 ppm	LT 10 ppm	LT 10 ppm
Trichlorofluoromethane	LT 10 ppm	LT 10 ppm	LT 10 ppm
Vinyl chloride	LT 10 ppm	LT 10 ppm	LT 10 ppm
pH	7.24	7.97	6.03
Polychlorinated Biphenyls			
Arochlor 1242	LT 2 ppm	LT 15 ppm	LT 15 ppm
Arochlor 1260	LT 5 ppm	LT 25 ppm	LT 25 ppm

** - LT denotes less than

F07:sm

MEMO

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO Fred Sickels

FROM Wayne Howitz

DATE 15 NOV 1984

SUBJECT Analytical results received verbally

Case: Borne Chemical 2004-07

On November 13, 1984 at 1650 hours, I received the following results verbally by telephone from Ian Lambert of Stablex-Reutter, Inc., Cherry Hill, NJ.

<u>PARAMETER</u>	<u>FAS018</u>	<u>FAS019</u>	<u>FAS020</u>
Flashpoint (c.c.) °F	G.T. 180	115	G.T. 180
Reactivity	Negative	Negative	Negative
EP TOXICITY (mg/L)			
Metals ¹			
Arsenic	L.T. 5	L.T. 5	L.T. 5
Barium	L.T. 100	L.T. 100	L.T. 100
Cadmium	L.T. 1.0	L.T. 1.0	L.T. 1.0
Chromium	L.T. 5.0	L.T. 5.0	L.T. 5.0
Lead	L.T. 5.0	L.T. 5.0	L.T. 5.0
Mercury	L.T. 0.20	L.T. 0.20	L.T. 0.20
Selenium	L.T. 1.0	L.T. 1.0	L.T. 1.0
Silver	L.T. 5.0	L.T. 5.0	L.T. 5.0

¹ According to Ian Lambert, the results for EP Metals were below the EP Toxicity limit. For documentation purposes, the results are reported less than (L.T.) the EP Toxicity limit. The actual detection limits will be provided in Stablex-Reutter's test report.

F07:sm

6

FRED C. HART ASSOCIATES, INC.

155 WASHINGTON STREET, NEWARK, NEW JERSEY 07102

TELEPHONE: (201) 621-6800

MEMORANDUM

TO: Dr. Richard Spear
FROM: Amelia Janisz *Amelia*
THRU: Peter Franconeri *Peter*
SUBJECT: ~~Borne Chemical Co.~~
TDO #02-8106-03
DATE: May 14, 1982

I enclose a sampling plan designed for Borne Chemical Co. by FIT. Because of legal liability problems, FCHA cannot provide a safety plan for Borne Chemical Co. employees. We would like to remind you sampling at Borne is potentially hazardous.

Attachment H

BORNE CHEMICAL CO.

SAMPLING PLAN FOR TANK FARM

Figure 1 provides the location of the tanks. Most tanks appear to be open or vented or to have the porthole cracked. Those tanks which have closed portholes and are not vented, however, should be approached with extreme caution. Portholes should be opened carefully to minimize sparking. Borne Chemical Co. should develop a safety plan for its sampling team.

The fourteen tanks shown in Figure 2 should be sampled as follows:

- a) Determine the presence or absence of liquid using a high powered flashlight through the porthole. Take soundings to determine the height of the materials in the tank using a weighted rope marked in one foot sections.
- b) After determining the depth of materials take three samples: one shallow, one near the middle of the liquid and one near the bottom using a bomb sampler. Do not composite the samples from each tank. Sample all tanks including tanks with only sludge remaining. It is not necessary to clean the bomb sampler between depths but between tanks it must be cleaned with methylene chloride. The used methylene chloride must be drummed. Samples will be placed in eight-ounce glass jars with Teflon-lined tops which have been detergent and solvent washed. The remainder of the liquid in the sampler can be drummed or returned to the tank.

Tanks #24 and #34 are empty (per John Czapor). Tank #46 appeared empty from the bridge but should be sampled for sludge if any exists.

SCHEDULE OF ACTIVITIES AT BORNE CHEMICAL CO. SINCE 8/81

Date	Activity
8/3/81	FIT preliminary site inspection. Delay in sampling recommended until colder weather.
12/1/81	FIT begins preliminary planning and meetings for tank sampling. EPA tells FIT to out sampling plans on hold.
1/25/82	FIT activity stopped by John Czapor due to Criminal Justice Department involvement.
1/82	Valley Forge Engineering samples tanks #22, #27, #29, #32, #33, and #42. Samples split between NJDEP and Borne.
2/82	Discrepancies in PCB levels from two laboratories are found. NJDEP reports 1300 ppm; Borne analyses reports 10 ppm.
3/82	Discrepancies resolved by EPA Chemist. Permission to broker tanks given to Borne Chemical. Flash points of tanks sampled in January found to be 180°F.
3/31/82	FIT surveys portholes from Chessie System Railroad bridge.
4/22/82	Hazelton Oil Co., Pennsylvania begins removal of materials from tanks #22, 29, 33 and 42. material from tank #27 will be removed to Dupont.
4/26/82	Local residents express concern over stored drums at site to Elizabeth Environmental Protection Department.
5/-/82	State of Pennsylvania Department of Environmental Protection wants tanks retested before oil is manifested to their state.

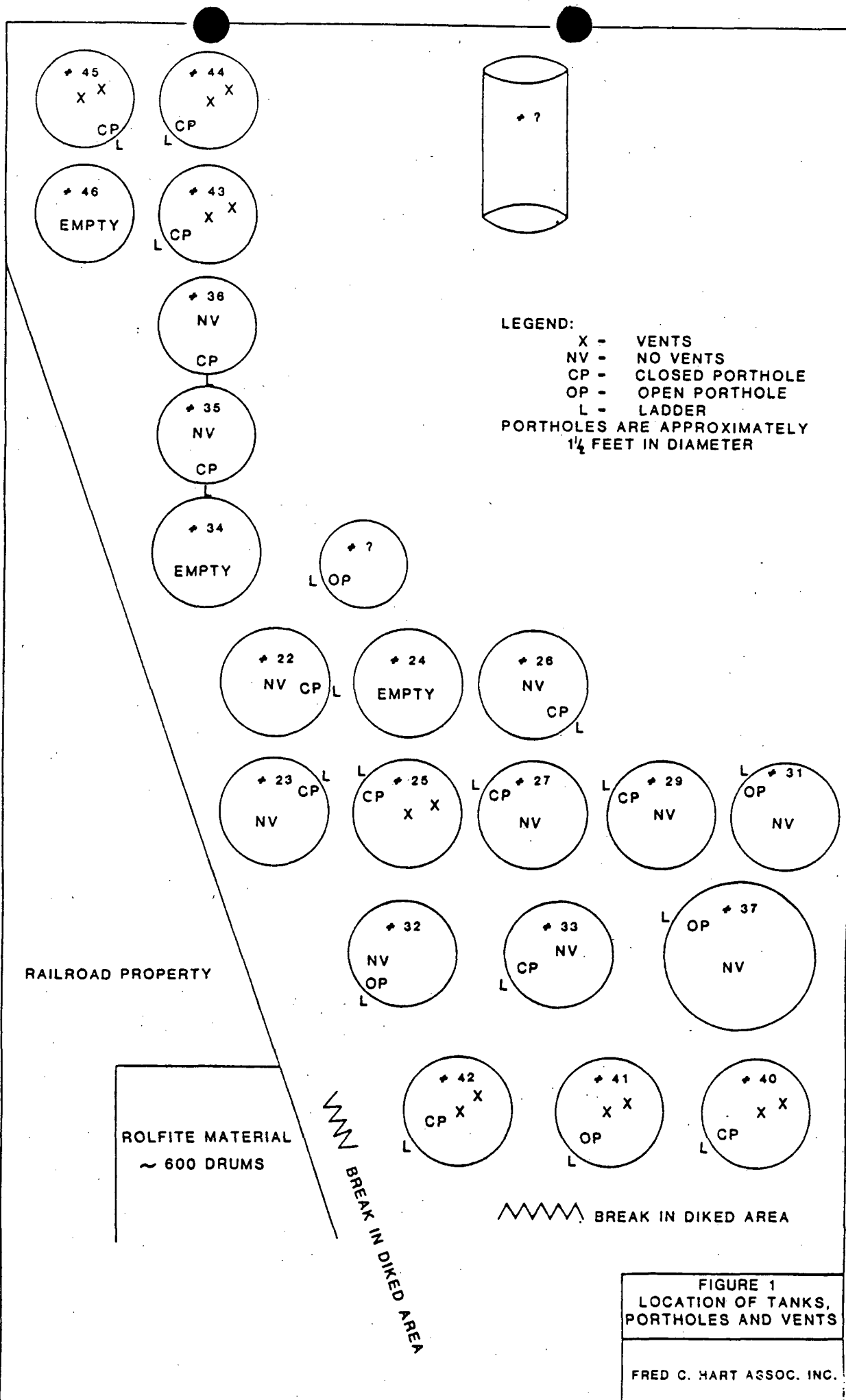
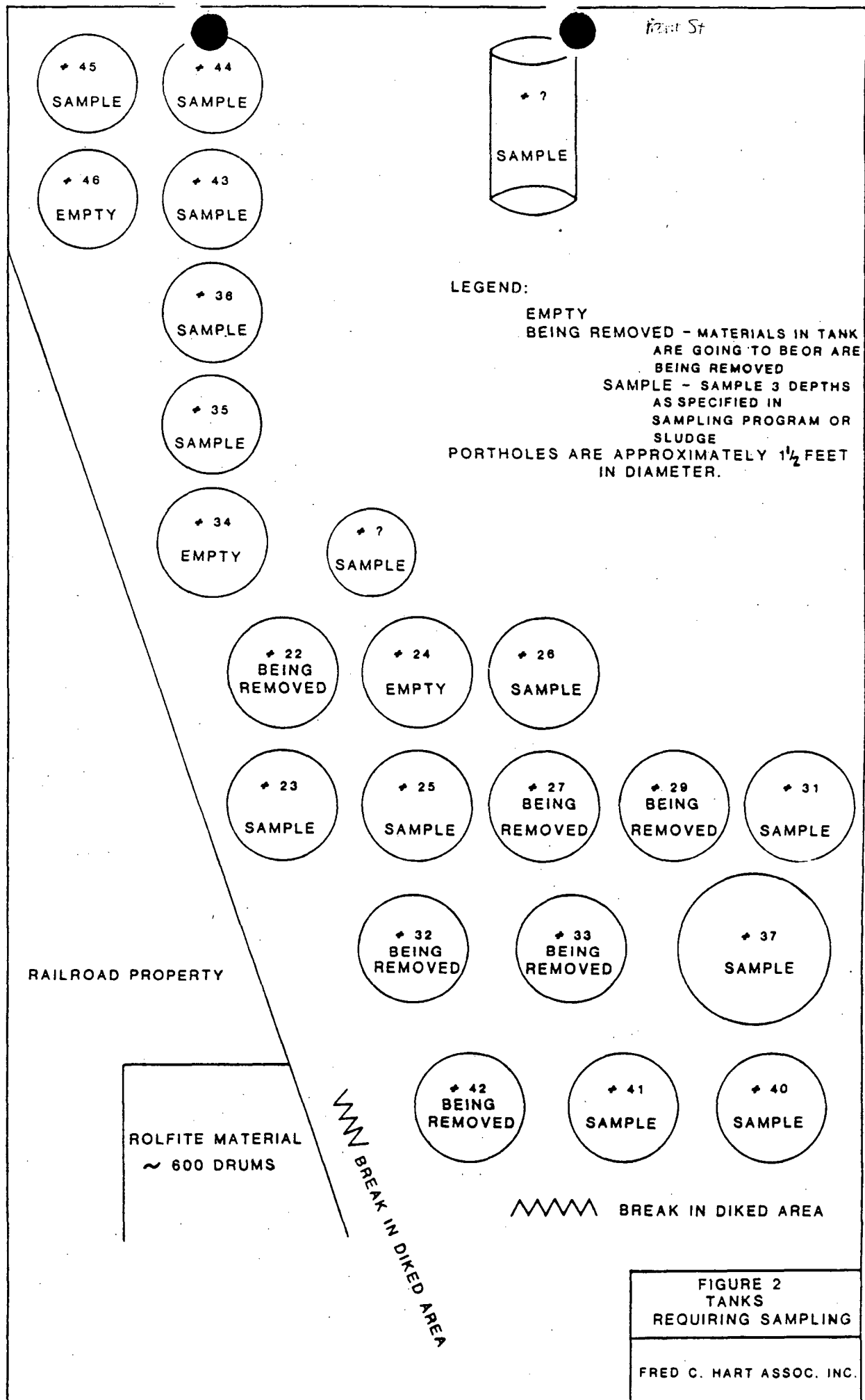


FIGURE 1
LOCATION OF TANKS,
PORTHOLES AND VENTS

FRED C. HART ASSOC. INC.



Borne Chemical Company, Inc.

Investigation and Implementation
of Clean-Up and Waste Disposal Measures
in Elizabeth, New Jersey

I. Processing Area ("Parcel A")

The oil processing area is comprised of several storage and manufacturing facilities where oils are blended. The major environmental and safety concerns regarding this facility entail the implementation of an approved NJDEP spill prevention and containment plan, the removal and proper disposal of drums containing waste materials, the removal and proper disposal of waste materials and residues contained in processing and holding tanks, the proper cleansing of empty tanks, process piping, drainage lines and sumps, and the removal of contaminated soils.

A. Spill Plan

The DPCC/DCR Spill Prevention Plan, approved by NJDEP in April 1983, should be implemented by the property owner as it applies to the processing facility. This requires NJDEP approval of amendments and revisions to that document to limit its application to Parcel A.

B. Waste Inventory and Removal Program

1. The responsible party should identify and separate waste materials from product and develop a waste inventory to identify the quantities, waste types, and characteristics of all waste materials on site. This identification program shall be submitted to NJDEP for review and approval prior to implementation and include the following items: site safety during sampling, identification of appropriate sampling techniques, identification of appropriate analytical parameters and techniques, and disclosure of identity of all contractors.
2. The waste inventory plan shall also address contamination resulting from the present and past releases of waste materials from activities on the site, such as soil, tanks, drums, sewer lines, sumps.
3. The responsible party shall also prepare a waste removal and disposal plan for waste identified as a result of the analysis of samples taken in the waste inventory. All materials not identified as waste shall be removed according to applicable regulations. All hazardous waste must be manifested to an approved site. The removal and disposal plan shall identify site safety measures during these operations, shall include provisions for the repacking of leaking containers (so as to prevent the

spillage of materials during removal activities), shall identify the method of transportation of materials to a waste disposal site (i.e. bulk shipping), shall identify treatment and disposal measures, such as burning, landfill, recycling, and shall identify all contractors.

C. Permits

The owner and operator of the facility shall obtain all required permits from the NJDEP for the operation of the proposed facility. This may include discharge permits pursuant to the New Jersey Water Pollution Control Act, the implementation of federal SPCC and State DPCC/DCR Plans required by the New Jersey Spill Compensation and Control Act, the registration of the corporation as a generator pursuant to the New Jersey Solid Waste Management Act and RCRA requirements, the registration and filing of engineering and design documents for the facility pursuant to the Solid Waste Management Act, and any and all air pollution control permits.

II. Tank Farm ("Parcel B")

The tank farm includes numerous large holding tanks where oils and liquids have been stored. The area is unlined. The tanks and the diking are of unknown integrity. The major environmental and safety concerns regarding this portion of the facility entail the analysis, identification, and removal of waste

materials and residual sludges stored in the tanks, the removal of contaminated soils, the cleansing of tanks and the disposal of sludges, residues and waste-encrusted pipes.

A. Waste Inventory and Removal Program

1. The responsible parties should develop a waste inventory of materials on site and identify the waste types and characteristics of all such materials. This identification program should be submitted to NJDEP for review and approval prior to implementation and include the following items: site safety during sampling, identification of appropriate analytic parameters and techniques, identification of sampling techniques, and the identity of all contractors.
2. The responsible party should develop a remedial action plan based on the results of the sampling and waste inventory in order to address the following items:
 - a. environmental contamination originating at the site
 - b. site safety during remedial operations
 - c. removal of materials stored in tanks
 - d. tank cleaning and repair if future use is intended
 - e. identification and removal of contaminated soils
 - f. identification of all contractors including transporters and disposal facilities.

E. Spill Plan

The DPCC/DCR Spill Prevention Plan, approved by NJDEP in April 1983 addressed this parcel as only one part of the entire site. Any potential operator of this facility must submit a revised plan limited to this facility with a revised schedule for implementation and, upon approval by the Department, this plan should be implemented.

C. Permits

The owner and operator of the facility shall obtain all required permits from the NJDEP for the proposed operation of the facility as a tank farm. This will include all permits set forth in Item I-C, above.

III. Parcel C

Major environmental and safety concerns regarding the Borne operations on this leased property entail the proper closure of the surface impoundment (lagoon) situated there and the proper removal and disposal of drums and contaminated soils on the property. A waste inventory and waste removal program must be developed consistent with the programs set forth above for Parcels A and B.

U.S. ENVIRONMENTAL PROTECTION AGENCY

POLLUTION REPORT

DATE: July 27, 1984

Region II
Emergency Response Branch
Edison, NJ 08837

(201) 321-6670 - Commercial
(201) 548-8730 - 24 Hr. Emergency
340-6670 - FTS

TO: R. Dewling, EPA
W. Librizzi, EPA
B. Metzger, EPA
F. Rubel, EPA
J. Marshall, EPA
W. Mugdan, EPA
M. Sadat, NJDEP
USCG 3rd District (mep)
ERD, EPA Washington
(Data Gram)
USCG COTPNY
NRC
C. Stutzman, CDC
ERT
M. Chivinski, FEMA
R. Altman, NJDOH
R. Spear, EPA
J. Czapor, EPA
S. Kuhurtz, NJDEP
R. Ogg, EPA

POLREP NO.: One (1)
INCIDENT NAME: Borne Chemical Company
SITE/SPILL NO.:
POLLUTANT: Oil and Unknown Solvents
CLASSIFICATION: Medium
SOURCE: Borne Chemical Company
LOCATION: S. Front Street, Elizabeth, New Jersey
AMOUNT: Unknown
WATER BODY: Arthur Kill River

1. SITUATION:

A. Borne Chemical Company, located at 632 S. Front Street, Elizabeth, New Jersey is a facility which contains 20 storage tanks and approximately 600 55-gallon drums which contain unknown oils, chemicals and solvents.

B. The storage tanks show signs of weathering and the drums show signs of deterioration.

C. Recent litigation by the State of New Jersey resulted in a Court decision allowing Borne Chemical Company to declare bankruptcy and abandon the site.

2. ACTION TAKEN

A. On March 23, 1984, a team consisting of representatives of the NJDEP, U.S. EPA, TAT and CDC visited the Borne Chemical site. At this time, the team was denied access to the site by Borne Chemical representatives.

B. Due to on-going litigation, attorneys for the State of New Jersey requested that no further actions be taken at this time to access the site.

C. Currently, Borne Chemical has been allowed to declare bankruptcy and abandon the site. The property is, therefore, owned by the Bankruptcy Court.

D. Rolfite Company has accepted responsibility for 558 of the 600 drums on site and has begun cleanup and disposal of these drums.

E. An attorney for the State of New Jersey has stated that access to the site, for assessment purposes, by the U.S. EPA would have to be attained via a petition filed in the Bankruptcy Court. This petition will be filed next week by the State attorney.

3. FUTURE PLANS AND RECOMMENDATIONS:

A. Upon gaining permission to access the site, the U.S. EPA will conduct a site inspection and assess the situation for possible emergency and/or immediate removal actions and funding.

CASE PENDING X CASE CLOSED
(TAT)

SUBMITTED BY

W. Gad Tawadros
W. Gad Tawadros
Emergency Re-
sponse Branch

Date Released: 6/27/84

HAZARDOUS WASTE INVESTIGATION

Inspector: Alphonse Iannuzzi Date: 1/5/82

Location: Borne Chemical Company, Inc.

St: 632 S. Front Street

Town: Elizabeth

County: Union

Tax Account # 4-1468 and 4-1469

Lot:

Block:

Origin of Complaint: Kevin Gashlin, BHW

Complaint: Document removal of waste material from storage tanks on site.

Findings:

On 1/5/82 at the above address, Borne Chemical was investigated to document the removal of hazardous waste from the facility. Borne had contacted Kevin Gashlin (BHW), to indicate that they were going to remove waste material from their tank farm. Mr. Herbert Brunwasser, V.P., and Joe Cincotta, plant manager, were contacted at Borne and supplied all pertinent information.

Mr. Brunwasser stated that Borne did not remove any material from the tank farm containing oily waste. A shipment of mixed flammable solvents had been removed today from a tank in the grease house. This material was left on site when Borne's present administration took over (1979) and could not be sold. Hazleton Oil Salvage, Hazleton, PA received this material. Mr. Cincotta stated that Nassau Tank, Brooklyn, NY contracted through Valley Forge Engineering, Bryn Mawr, PA had removed oil and water from tank #24 to 42. Tank #24 will be used to store water from other tanks.

An order from NJDEP on 10/3/81 to Borne calling for removal of all waste material within 30 days was clearly not complied with. Mr. Brunwasser stated that this order was for the drums of fuel additive manufactured by Borne for Rofite Co., Stanford, Conn., not for the 8 tanks of oil waste. These drums, still on site and in poor condition, are said to be Rofite property. According to Mr. Brunwasser, Borne and Rofite are in court trying to solve this problem.

The 8 tanks of oil clean-up waste, supposedly accumulated by Coastal Services who leased the tanks will be emptied in the near future (facility did not know Coastals address). Mr. Brunwasser stated that the present administration inherited this material and can't prove that Coastal generated the wastes. Laboratory analysis of the material in all 8 tanks is attached to this report. Valley Forge Engineering has agreed to broker the removal of all waste from these tanks within 4 months of 12/24/81. The oil will probably be brought to Hazleton and water will be brought to DuPont, Deepwater, NJ. Agreement between Borne and Valley Forge is attached. Borne estimated the total amount of oil and water in all tanks to be 475,000 gallons. Removal of material may stop at anytime that Valley Forge does not believe that it will obtain 200,000 gallons of oil.

Alphonse Iannuzzi A.

H

HAZARDOUS WASTE INVESTIGATION

Inspector: Alphonse Iannuzzi Date: 1/7/82

Location: Borne Chemical Company, Inc.

St: 632 S. Front Street

Town: Elizabeth

County: Union

Tax Account # 4-1468 and 4-1469

Lot: Block:

Origin of Complaint:

Complaint: Obtain samples from storage tanks on site

Findings:

On 1/7/82 Mr. Brnnwasser, Borne Chem. V.P., was contacted. Valley Forge Engineering, Bryn Mawr, PA was obtaining samples of waste from storage tanks and was to give NJDEP duplicate samples of waste material.

Joe Meehan of Valley Forge obtained samples. Rob Collins and Jose Lara of Nassu Tank, Brooklyn, NY were contracted by Valley Forge to measure levels in each tank.

Samples were obtained with a glass bottle containing a weight. Mr. Meehan would let the bottle down slowly to obtain a composite sample at several levels. Mr. Meehan used plastic bottles for most of the samples obtained.

Water level measurements were taken with a weighted measuring tape that contained a pink cream which turned to white with contact to water.

When I arrived on site, Mr. Meehan had sampled tanks #32 and 42. He supplied me with plastic jars of duplicate samples he had taken. I witnessed the sampling of tanks #22, 27, 29 and 33. Sample data and chain of custody forms were completed and will be attached to this report. Mr. Meehan stated that tank #34 will not be sampled due to "too high concentrations".

The following tanks that Valley Forge is interested in contained material: tank #24 - empty, 27 - 1' from top, 29 - 2 ½' from top, 32 - 5' from top, 22 - 5 ½' from top, 42 - 14' from top, and 33 - 6½' from top. All measurements were taken from top parts.

The following tanks were measured for water content: tank # 32 - no water, 42 - no water, 27 - all water, 29 - no water. All measurements were taken from top parts.

Alphonse Iannuzzi
Alphonse Iannuzzi

HAZARDOUS WASTE INVESTIGATION

Inspector: K. Gashlin Date: 2/15/81

Location: Borne Chemical Co.

St: 632 S. Front St.

Town: Elizabeth

County: Union

Tax Account Numbers 4-1468 and 4-1469
~~XXXX~~ ~~XXXX~~

Origin of Complaint:

Complaint: Waste Material stored on site - follow up to 10/27/80 investigation.

Findings:

Conversations with Borne Chemical representatives Stuart Patrick (President) and Gus Corona (General Manager) have convinced me that approximately 600 drums of material (inventory included) on the Front Street property belong to prior tenants. The owner has been identified by Corona as Rolfite Co., 300 Broad Street, Stamford, CT06901. Rolfite's attorney, Richard Collier, has stated that his client's position is that Rolfite is not legally responsible for removing the material and that much of it is virgin or finished product, not waste.

This claim is not a new one. Litigation has been in process since early 1980 against Rolfite to assume possession of this material. I have been in receipt of correspondence from Borne regarding removal of waste stored in other portions of the facility. Specifically, waste in a 35' by 15' surface impoundment 200 drums and stationary vertical tanks (see diagram.) Corona has indicated that Borne is willing to assume responsibility for the tanks. Some inconclusive sampling has been performed. These results and other pertinent correspondence are included herein.

My belief is that Borne is foot-dragging and will continue to delay removal of their material until forced to do so. On February 15, 1980, Borne Chemical filed a voluntary petition for reorganization under Chapter 11 of the U.S. Bankruptcy Code (see attached excerpt.) This may limit our options regarding Borne's monetary liability for clean-up. The case dates back to September, 1978. The material has not been fully identified analytically, but we do know that the materials are of a flammable/hazardous nature (consult attached results.) Although storage is apparently secure at this time, this material is a problem for everyone and may go the way of Duane Marine and Chemical Control if not dealt with in a timely manner.

Before the situation deteriorates further, I urge the B.H.W. to act in a firm, positive manner. My recommendations follow.

Kenneth F. Gashlin



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 1 - SITE LOCATION AND INSPECTION INFORMATION

IDENTIFICATION	
STATE	OF SITE NUMBER

II. SITE NAME AND LOCATION

D1 SITE NAME (Legal, common, or descriptive name of site) Borne Chemical Co., Inc.		D2 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER 632 South Front Street	
D3 CITY Elizabeth	D4 STATE NJ	D5 ZIP CODE 07207	D6 COUNTY Union
D9 COORDINATES LATITUDE 40 38 30.0 LONGITUDE -74 12 00.0		D10 TYPE OF OWNERSHIP (Check one) <input checked="" type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL <input type="checkbox"/> F. OTHER <input type="checkbox"/> G. UNKNOWN	

III. INSPECTION INFORMATION

D1 DATE OF INSPECTION 08 / 03 / 81 MONTH DAY YEAR	D2 SITE STATUS <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE	D3 YEARS OF OPERATION 1916 BEGINNING YEAR ON ENDING YEAR UNKNOWN
D4 AGENCY PERFORMING INSPECTION (Check all that apply) <input checked="" type="checkbox"/> A. EPA <input type="checkbox"/> E. EPA CONTRACTOR <input type="checkbox"/> C. MUNICIPAL <input type="checkbox"/> D. MUNICIPAL CONTRACTOR <input checked="" type="checkbox"/> F. STATE <input type="checkbox"/> F. STATE CONTRACTOR <input type="checkbox"/> G. OTHER		

D5 CHIEF INSPECTOR Amelia J. Janisz	D6 TITLE Biostatistician	D7 ORGANIZATION FCHA	D8 TELEPHONE NO. 201 621-6800
D9 OTHER INSPECTORS Jim Shirk	D10 TITLE Civil Engineer	D11 ORGANIZATION "	D12 TELEPHONE NO. () "
Jim Rogers	Env. Scientist	"	() "
Greg Skhuda	Chemist	"	() "
Pete Candialosi	Env. Engineer	"	() "
D13 SITE REPRESENTATIVES INTERVIEWED Mr. A. J. Corona	D14 TITLE Manager	D15 ADDRESS Borne Chemical Co.	D16 TELEPHONE NO. (201) 351-1711
Mr. Stuart Patrick	President	"	() "
Mr. Lewis Markowitz	Attorney	Epstein, Epstein, Brown, Bosek & Turndorf P.O. Box 634 Elizabeth, NJ 07207	(201) 354-8111
			()
			()
			()
D17 ACCESS GAINED BY (Check one) <input checked="" type="checkbox"/> PERMISSION <input type="checkbox"/> WARRANT	D18 TIME OF W/SECTION 10:00 am	D19 WEATHER CONDITIONS Overcast, 85°F, Humid	

IV. INFORMATION AVAILABLE FROM

D1 CONTACT Kevin Gashlin	D2 OF (Agency/Organization) NJDEP	D3 TELEPHONE NO. 609 292-9877
D4 PERSON RESPONSIBLE FOR SITE INSPECTION FORM Amelia J. Janisz	D5 AGENCY FCHA	D6 ORGANIZATION (201) 621-6800
D7 TELEPHONE NO. 08 24 81 MONTH DAY YEAR		D8 DATE

H



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 2 - WASTE INFORMATION**

I. IDENTIFICATION

01 STATE	02 STATE NAME
----------	---------------

II. WASTE STATES, QUANTITIES, AND CHARACTERISTICS

01: PHYSICAL STATES (Check off the appropriate)

- | | |
|--|-----------------------------------|
| <input type="checkbox"/> A SOLID | <input type="checkbox"/> E SLURRY |
| <input type="checkbox"/> E POWDER, FINES | <input type="checkbox"/> F LIQUID |
| <input type="checkbox"/> C SLUDGE | <input type="checkbox"/> O GAS |

☐ D OTHER _____ (Spec.,

02 WASTE QUANTITY AT SITE

MEASURES OF WOODS OVERTIMES
THIS OR DEPENDENT:

TONS _____

CUBIC YARDS _____

NO OF DRUMS ~ 600

03 WASTE CHARACTERISTICS (Check all that apply)

- [illegible]

III. WASTE TYPE

CATEGORY	SUBSTANCE NAME	01 GROSS AMOUNT	02 UNIT OF MEASURE	03 COMMENTS
SLU	SLUDGE			
OLW	OILY WASTE	> 468,000	gallons	This only includes 10 tanks
SOL	SOLVENTS			out of 23 on the tank farm. It
PSD	PESTICIDES			is Borne's estimate of the total
OCC	OTHER ORGANIC CHEMICALS			materials in these 10 tanks.
IOC	INORGANIC CHEMICALS			The oily wastes may include
ACD	ACIDS			any of the other waste types.
BAS	BASES			
MES	HEAVY METALS			

IV. HAZARDOUS SUBSTANCES (See Appendix for most frequently used CAS Numbers)

[illegible]


V. FEEDSTOCKS (See Appendix for CAS Numbers)

CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER	CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER
FDS			FDS		
FDS			FDS		
FDS	N/A		FDS	N/A	
FDS			FDS		

VI. SOURCES OF INFORMATION (Give specific references e.g., state files, sample analysis, reports)

State files - New Jersey; sample analysis - Caleb Brett, 1428 E. Elizabeth Avenue, Linden, N.J. 07036; sample analysis -Case Consulting Laboratories, Inc. 622 Route 10, Whippany, N.J. 07981.

Same as PA

 POTENTIAL HAZARDOUS WASTE SITE SITE INSPECTION REPORT PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS		1. IDENTIFICATION	
		01 STATE	02 SITE NUMBER
II. HAZARDOUS CONDITIONS AND INCIDENTS			
01 <input checked="" type="checkbox"/> A. GROUNDWATER CONTAMINATION 02 <input checked="" type="checkbox"/> OBSERVED (DATE <u>8/3/81</u>) <input checked="" type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION Likely - High groundwater table according to the plant manager.			
01 <input checked="" type="checkbox"/> B. SURFACE WATER CONTAMINATION 02 <input checked="" type="checkbox"/> OBSERVED (DATE <u>8/3/81</u>) <input checked="" type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION Likely - there is some discharge of oily substances into the Arthur Kill by 2 (4" and 18" diameter) storm drain pipes apparently coming from the property.			
01 <input type="checkbox"/> C. CONTAMINATION OF AIR 02 <input type="checkbox"/> OBSERVED (DATE _____) <input type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION Unknown - adjacent sewage treatment plant would mask any point source of chemical contamination from this site.			
01 <input type="checkbox"/> D. FIRE/EXPLOSIVE CONDITIONS 02 <input type="checkbox"/> OBSERVED (DATE _____) <input type="checkbox"/> POTENTIAL <input checked="" type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION Several tanks in the tank farm have been tested as having flash points below 100 F.			
01 <input type="checkbox"/> E. DIRECT CONTACT 02 <input type="checkbox"/> OBSERVED (DATE _____) <input type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION None			
01 <input checked="" type="checkbox"/> F. CONTAMINATION OF SOIL 02 <input checked="" type="checkbox"/> OBSERVED (DATE <u>8/3/81</u>) <input checked="" type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 AREA POTENTIALLY AFFECTED: <u>4</u> <small>(ACRES)</small> 04 NARRATIVE DESCRIPTION Large portions of the site were saturated with oily materials - especially around the active buildings and the tank farm. A large tank in the middle of the site is surrounded by multicolored stained soils.			
01 <input type="checkbox"/> G. DRINKING WATER CONTAMINATION 02 <input type="checkbox"/> OBSERVED (DATE _____) <input type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION unknown			
01 <input checked="" type="checkbox"/> H. WORKER EXPOSURE/INJURY 02 <input checked="" type="checkbox"/> OBSERVED (DATE <u>8/3/81</u>) <input checked="" type="checkbox"/> POTENTIAL <input type="checkbox"/> ALLEGED 03 WORKERS POTENTIALLY AFFECTED: <u>25</u> 04 NARRATIVE DESCRIPTION Workers do not wear any protective gear and no safety procedures are in evidence.			
01 <input type="checkbox"/> I. POPULATION EXPOSURE/INJURY 02 <input type="checkbox"/> OBSERVED (DATE _____) <input type="checkbox"/> POTENTIAL <input checked="" type="checkbox"/> ALLEGED 03 POPULATION POTENTIALLY AFFECTED: _____ 04 NARRATIVE DESCRIPTION Possible, if tanks explode			

Samoa PA



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

1. IDENTIFICATION
a. STATE OF SITE NAME

I. HAZARDOUS CONDITIONS AND INCIDENTS (Continued)

01 ☒ J. DAMAGE TO FLORA
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81)

☒ POTENTIAL

☐ ALLEGED

Not evident. The site is heavily used by trucks and railroad cars so not much vegetation is present.

01 ☐ K. DAMAGE TO FAUNA
04 NARRATIVE DESCRIPTION (include name(s) of species)

02 ☒ OBSERVED (DATE: 8/3/81)

POTENTIAL

☐ ALLEGED

Not evident.

01 ☒ L. CONTAMINATION OF FOOD CHAIN
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81)

☐ POTENTIAL

☐ ALLEGED

Unknown - There is some discharge of oily substances via 2 pipes into the Arthur Kill. This river is classified TW-3 and is considered suitable for secondary contact (boating) maintenance of fish populations, migration of ~~fish~~ ^{fish} & other ~~responsible~~ ^{responsible} uses.

01 ☒ M. UNSTABLE CONTAINMENT OF WASTES
(Spills, Runoff, Standing liquids, Leaking drums)

02 ☒ OBSERVED (DATE: 8/3/81)

☒ POTENTIAL

☐ ALLEGED

03 POPULATION POTENTIALLY AFFECTED

04 NARRATIVE DESCRIPTION

About 600 drums abandoned by Rolfite are stacked on the property. FIT observed pools of oily liquids outside the active buildings and saw a drum accidentally punctured by the fork lift operator.

01 ☐ N. DAMAGE TO OFFSITE PROPERTY
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81)

☐ POTENTIAL

☐ ALLEGED

Not apparent

01 ☒ O. CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs
04 NARRATIVE DESCRIPTION

02 ☒ OBSERVED (DATE: 8/3/81)

☒ POTENTIAL

☐ ALLEGED

Sewers on-site were not inspected for evidence of discharges. Apparent storm drain pipes exit into the Arthur Kill from the seawall. An oily sheen was noted on the water near the pipes.

01 ☒ P. ILLEGAL/UNAUTHORIZED DUMPING
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE: _____)

☐ POTENTIAL

☒ ALLEGED

According to Mr. Patrick, Company President, Coastal Services had previously made midnight runs onto the property to unload unknown quantities of chemicals possibly including dumping into the tanks.

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

A 12 foot oval surface impoundment exists to the left of the main entrance. Unknown quantities of oily liquids were dumped here in an attempt to separate the oil and water portions.

III. TOTAL POPULATION POTENTIALLY AFFECTED: 50 within 1 mile

IV. COMMENTS

The floors of the active buildings are coated with evidence of years of oily spills and multi-colored stains. There are abandoned tanks within the buildings.

V. SOURCES OF INFORMATION (Give specific references, e.g. State files, sample analysis reports)

State files - NJDEP; Observed.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA

I IDENTIFICATION
01 STATE 02 SITE NUMBER

II. DRINKING WATER SUPPLY

01 TYPE OF DRINKING SUPPLY (Check as applicable)	02 STATUS	03 DISTANCE TO SITE
<div><div>SURFACE</div><div>WELL</div></div> <div>COMMUNITY NON-COMMUNITY</div> <div>A. <input checked="" type="checkbox"/> 80% C. <input type="checkbox"/></div> <div>B. <input checked="" type="checkbox"/> 20% D. <input type="checkbox"/></div>	<div>ENDANGERED A. <input type="checkbox"/> D. <input type="checkbox"/></div> <div>AFFECTED B. <input type="checkbox"/> E. <input type="checkbox"/></div> <div>MONITORED C. <input checked="" type="checkbox"/> F. <input type="checkbox"/></div>	<div>A. <u>5</u> (mi)</div> <div>B. _____ (mi)</div>

III. GROUNDWATER

01 GROUNDWATER USE IN VICINITY (Check one)				
<div><input type="radio"/> A. ONLY SOURCE FOR DRINKING</div> <div><input type="radio"/> B. DRINKING (Other sources available) COMMERCIAL, INDUSTRIAL, IRRIGATION (No other water sources available)</div> <div><input type="radio"/> C. COMMERCIAL, INDUSTRIAL, IRRIGATION (Limited other sources available)</div> <div><input checked="" type="radio"/> D. NOT USED, UNUSEABLE</div>				
02 POPULATION SERVED BY GROUND WATER _____		03 DISTANCE TO NEAREST DRINKING WATER WELL _____ (mi)		
04 DEPTH TO GROUNDWATER _____ (m) unknown	05 DIRECTION OF GROUNDWATER FLOW _____ (m) unknown	06 DEPTH TO AQUIFER OF CONCERN _____ (m) unknown	07 POTENTIAL YIELD OF AQUIFER _____ (gpd) unknown	08 SOLE SOURCE AQUIFER <input type="checkbox"/> YES <input type="checkbox"/> NO

09 DESCRIPTION OF WELLS (including useage, depth, and location relative to population and buildings)

10 RECHARGE AREA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	COMMENTS	11 DISCHARGE AREA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COMMENTS
---	----------	--	----------

IV. SURFACE WATER

01 SURFACE WATER USE (Check one)			
<div><input type="checkbox"/> A. RESERVOIR, RECREATION DRINKING WATER SOURCE</div> <div><input type="checkbox"/> B. IRRIGATION, ECONOMICALLY IMPORTANT RESOURCES</div> <div><input checked="" type="checkbox"/> C. COMMERCIAL, INDUSTRIAL</div> <div><input type="checkbox"/> D. NOT CURRENTLY USED</div>			
02 AFFECTED/POTENTIALLY AFFECTED BODIES OF WATER			
NAME: <u>Arthur Kill</u>		AFFECTED <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	DISTANCE TO SITE <u>Immediate</u> (mi) ____ (mi) ____ (mi)

V. DEMOGRAPHIC AND PROPERTY INFORMATION

01 TOTAL POPULATION WITHIN		02 DISTANCE TO NEAREST POPULATION
<div>ONE (1) MILE OF SITE A. <u>50</u> NO OF PERSONS</div> <div>TWO (2) MILES OF SITE B. <u>City of Elizabeth</u> NO OF PERSONS <u>N.J.</u></div> <div>THREE (3) MILES OF SITE C. <u>unknown</u> NO OF PERSONS</div>	<u>Immediate</u> (mi)	
03 NUMBER OF BUILDINGS WITHIN TWO (2) MILES OF SITE <u>unknown</u>	04 DISTANCE TO NEAREST OFF-SITE BUILDING <u>Immediate</u> (mi)	

05 POPULATION WITHIN VICINITY OF SITE (Provide narrative description of nature of population in vicinity of site, e.g., "near village, on heavily wooded green area")

There is oil refinery immediately to the north of the property close to the tank farm. To the south of the site, there is a large manufacturing plant. West of the site, there are private single and row bouses containing probably not more than 50 people.

H



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION
PART 4 - PERMIT AND DESCRIPTIVE INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. PERMIT INFORMATION

01 TYPE OF PERMIT ISSUED (Check all that apply)	02 PERMIT NUMBER	03 DATE ISSUED	04 EXPIRATION DATE	05 COMMENTS
<input type="checkbox"/> A. NPDES				
<input type="checkbox"/> B. UIC				
<input type="checkbox"/> C. AIP				
<input type="checkbox"/> D. RCRA				
<input type="checkbox"/> E. RCRA INTERIM STATUS				
<input type="checkbox"/> F. SPCC PLAN	Borne has submitted 5 year/SPCC plans; the EPA has not given these plans final approval.			
<input type="checkbox"/> G. STATE (Specify)				
<input type="checkbox"/> H. LOCAL (Specify)				
<input type="checkbox"/> I. OTHER (Specify)				
<input type="checkbox"/> J. NONE				

III. SITE DESCRIPTION

01 STORAGE/ DISPOSAL (Check all that apply)	02 AMOUNT	03 UNIT OF MEASURE	04 TREATMENT (Check all that apply)	05 OTHER
<input checked="" type="checkbox"/> A. SURFACE IMPOUNDMENT	unknown		<input type="checkbox"/> A. INCINERATION	<input checked="" type="checkbox"/> A. BUILDINGS ON SITE
<input type="checkbox"/> E. PILES			<input type="checkbox"/> B. UNDERGROUND INJECTION	
<input checked="" type="checkbox"/> C. DRUMS, ABOVE GROUND	600		<input type="checkbox"/> C. CHEMICAL/PHYSICAL	
<input checked="" type="checkbox"/> D. TANK, ABOVE GROUND	468,000		<input type="checkbox"/> D. BIOLOGICAL	6
<input type="checkbox"/> E. TANK, BELOW GROUND			<input type="checkbox"/> E. WASTE OIL PROCESSING	06 AREA OF SITE
<input type="checkbox"/> F. LANDFILL			<input type="checkbox"/> F. SOLVENT RECOVERY	~ 6 (Acres)
<input type="checkbox"/> G. LANDFARM			<input type="checkbox"/> G. OTHER RECYCLING/RECOVERY	
<input type="checkbox"/> H. OPEN DUMP			<input type="checkbox"/> H. OTHER (Specify)	
<input checked="" type="checkbox"/> I. OTHER pipes (Specify)	below ground		None	

07 COMMENTS

Tank farm has had many previous spills and leaks. Soundness of the tanks is unknown. Underground pipes run from the tank farm to the active buildings where the connections are now broken.

IV. CONTAINMENT

01 CONTAINMENT OF WASTES (Check one)	<input checked="" type="checkbox"/> UNKNOWN		
<input type="checkbox"/> A. ADEQUATE, SECURE	<input type="checkbox"/> B. MODERATE	<input type="checkbox"/> C. INADEQUATE, POOR	<input checked="" type="checkbox"/> D. INSECURE, UNSOUND, DANGEROUS

02 DESCRIPTION OF DRUMS, DIKING, LINERS, BARRIERS, ETC.

There are approximately 600 abandoned drums on the property. The surface impoundment is a pool of oily sludge and dirt; no liners or barriers exist there. The tank farm is surrounded by an earth dike; no liner is present underneath. The tanks themselves may or may not be secure.

V. ACCESSIBILITY

01 WASTE EASILY ACCESSIBLE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
02 COMMENTS Borne Chemical has securely and adequately fenced the entire site. Entry on and off-site is supervised by a guard stationed at the only entrance.

VI. SOURCES OF INFORMATION (Check specific references, e.g. state file, ASTM analyses, reports)

Observed; Mr. Corona, Plant Manager



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA

L IDENTIFICATION

D1 STATE D2 SITE NUMBER

VI. ENVIRONMENTAL INFORMATION

01 PERMEABILITY OF UNSATURATED ZONE (Choose one)

Unknown

☐ A. $10^{-9} - 10^{-8}$ cm/sec ☐ B. $10^{-8} - 10^{-7}$ cm/sec ☐ C. $10^{-7} - 10^{-6}$ cm/sec ☐ D. GREATER THAN 10^{-6} cm/sec

02 PERMEABILITY OF BEDROCK (Choose one)

☐ A. IMPERMEABLE
(Less than 10^{-9} cm/sec)

☒ B. RELATIVELY IMPERMEABLE
($10^{-9} - 10^{-8}$ cm/sec)

☐ C. RELATIVELY PERMEABLE
($10^{-8} - 10^{-7}$ cm/sec)

☐ D. VERY PERMEABLE
(Greater than 10^{-7} cm/sec)

03 DEPTH TO BEDROCK

unknown (ft)

04 DEPTH OF CONTAMINATED SOIL ZONE

unknown (ft)

05 SOIL pH

unknown

06 NET PRECIPITATION

15 (in)

07 ONE YEAR 24 HOUR RAINFALL

unknown (in)

08 SLOPE
SITE SLOPE

0 %

DIRECTION OF SITE SLOPE

N/A

TERRAIN AVERAGE SLOPE

N/A %

09 FLOOD POTENTIAL

SITE IS IN unknown YEAR FLOODPLAIN

10

☐ SITE IS ON BARRIER ISLAND, COASTAL HIGH HAZARD AREA, RIVERINE FLOODWAY

11 DISTANCE TO WETLANDS (5 acres minimum)

ESTUARINE

unknown
OTHER

A. (mi)

B. (mi)

12 DISTANCE TO CRITICAL HABITAT (of endangered species)

N/A (mi)

ENDANGERED SPECIES:

13 LAND USE IN VICINITY

DISTANCE TO:

COMMERCIAL/INDUSTRIAL

RESIDENTIAL AREAS; NATIONAL/STATE PARKS;
FORESTS, OR WILDLIFE RESERVES

AGRICULTURAL LANDS
PRIME AG LAND AG LAND

Immediate

A. (mi)

B. N/A (mi)

C. N/A (mi)

D. N/A (mi)

14 DESCRIPTION OF SITE IN RELATION TO SURROUNDING TOPOGRAPHY

Site is located on a level area adjacent to the Arthur Kill.

VII. SOURCES OF INFORMATION (Cite specific references, e.g., State files, sample analysis, reports)

Observed; Geologic Map of New Jersey



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 8 - SAMPLE AND FIELD INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. SAMPLES TAKEN

SAMPLE TYPE	01 NUMBER OF SAMPLES TAKEN	02 SAMPLES SENT TO	03 ESTIMATED DATE RESULTS AVAILABLE
GROUNDWATER			
SURFACE WATER			
WASTE			
MR			
RUNOFF		N/A	
SPILL			
SOIL			
VEGETATION			
OTHER			

III. FIELD MEASUREMENTS TAKEN

01 TYPE	02 COMMENTS
	N/A

IV. PHOTOGRAPHS AND MAPS

01 TYPE <input checked="" type="checkbox"/> GROUND <input type="checkbox"/> AERIAL	02 IN CUSTODY OF <u>Amelia J. Janisz, FCHA</u> <small>(Name of organization or individual)</small>
03 MAPS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	04 LOCATION OF MAPS <u>Topographic map of site; sketch map - attached.</u>

V. OTHER FIELD DATA COLLECTED (Provide narrative description)

N/A

VI. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Observed



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 7 - OWNER INFORMATION

I. IDENTIFICATION
01 STATE 02 SITE NUMBER

II. CURRENT OWNER(S)				PARENT COMPANY (if applicable)			
01 NAME Borne Chemical Co. Inc.		02 D+B NUMBER		06 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 632 S. Front Street		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY Elizabeth		06 STATE NJ	07 ZIP CODE 07207	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		06 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		06 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		06 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME N/A		02 D+B NUMBER		06 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
III. PREVIOUS OWNER(S) (Last known record only)				IV. REALTY OWNER(S) (If applicable, not most recent first)			
01 NAME Same as above		02 D+B NUMBER		01 NAME Same as above		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
01 NAME N/A		02 D+B NUMBER		01 NAME N/A		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
01 NAME N/A		02 D+B NUMBER		01 NAME N/A		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
V. SOURCES OF INFORMATION (See specific references, e.g., state and federal records, reports)							
Mr. Stuart Patrick, President, Borne Chemical Co.							



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 8 - OPERATOR INFORMATION

L IDENTIFICATION
01 STATE 02 SITE NUMBER

II. CURRENT OPERATOR (Provide if different from owner)				OPERATOR'S PARENT COMPANY (if applicable)			
01 NAME Borne Chemical Co., Inc.		02 D+B NUMBER		10 NAME Same		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 632 S. Front Street		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY Elizabeth,		06 STATE NJ	07 ZIP CODE 07207	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION 1979 on		09 NAME OF OWNER Stuart Patrick					
III. PREVIOUS OPERATOR(S) (List most recent first; provide only if different from owner)				PREVIOUS OPERATORS' PARENT COMPANIES (if applicable)			
01 NAME Same		02 D+B NUMBER		10 NAME N/A		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION 1959-1979		09 NAME OF OWNER DURING THIS PERIOD Ed Kaye					
01 NAME N/A		02 D+B NUMBER		10 NAME N/A		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION		09 NAME OF OWNER DURING THIS PERIOD					
01 NAME N/A		02 D+B NUMBER		10 NAME N/A		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION		09 NAME OF OWNER DURING THIS PERIOD					

IV. SOURCES OF INFORMATION (Cite specific references, e.g., state files, literature, etc.)

Mr. Stuart Patrick, President, Borne Chemical Co., Inc.

H



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 9 - GENERATOR/TRANSPORTER INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. ON-SITE GENERATOR

01 NAME None	02 D+B NUMBER		
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE		
05 CITY	06 STATE	07 ZIP CODE	

III. OFF-SITE GENERATOR(S)

01 NAME Clean Venture, Inc.	02 D+B NUMBER	01 NAME A-Line	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.) P.O. Box 418	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.) Unknown	04 SIC CODE
05 CITY Linden	06 STATE NJ	07 ZIP CODE 07036	
01 NAME Coastal Services, Inc.	02 D+B NUMBER	01 NAME Rolfite Co.	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.) 300 Broad Street	04 SIC CODE
05 CITY New Brunswick	06 STATE NJ	07 ZIP CODE	
05 CITY Stamford	06 STATE CT	07 ZIP CODE 06901	

IV. TRANSPORTER(S)

01 NAME Unknown	02 D+B NUMBER	01 NAME N/A	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	
01 NAME N/A	02 D+B NUMBER	01 NAME N/A	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE	07 ZIP CODE	

V. SOURCES OF INFORMATION (Cite specific references, e.g., State files, sample analysis reports)

Mr. Stuart Patrick, President, Borne Chemical Co. Inc.; State files - NJDEP



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

IDENTIFICATION

01 STATE 02 SITE NUMBER

PAST RESPONSE ACTIVITIES

01 ☐ A. WATER SUPPLY CLOSED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ B. TEMPORARY WATER SUPPLY PROVIDED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ C. PERMANENT WATER SUPPLY PROVIDED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ D. SPILLED MATERIAL REMOVED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ E. CONTAMINATED SOIL REMOVED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ F. WASTE REPACKAGED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☒ G. WASTE DISPOSED ELSEWHERE
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

Approximately 1,000 drums of miscellaneous waste stored on the property have been removed by the respective owners

01 ☐ H. ON SITE BURIAL
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ I. IN SITU CHEMICAL TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ J. IN SITU BIOLOGICAL TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ K. IN SITU PHYSICAL TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ L. ENCAPSULATION
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ M. EMERGENCY WASTE TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ N. CUTOFF WALLS
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ O. EMERGENCY DIKING/SURFACE WATER DIVERSION
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ P. CUTOFF TRENCHES/SUMP
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A

01 ☐ Q. SUBSURFACE CUTOFF WALL
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

N/A



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. PAST RESPONSE ACTIVITIES (Continued)

01 ☐ R. BARRIER WALLS CONSTRUCTED
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ S. CAPPING COVERING
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ T. BULK TANKAGE REPAIRED
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ U. GROUT CURTAIN CONSTRUCTED
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ V. BOTTOM SEALED
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ W. GAS CONTROL
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ X. FIRE CONTROL
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ Y. LEACHATE TREATMENT
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ Z. AREA EVACUATED
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☒ 1. ACCESS TO SITE RESTRICTED
04 DESCRIPTION

Present management fenced the entire site and restricts access to one guarded gate.

02 DATE

03 AGENCY

01 ☐ 2. POPULATION RELOCATED
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

01 ☐ 3. OTHER REMEDIAL ACTIVITIES
04 DESCRIPTION

N/A

02 DATE

03 AGENCY

III. SOURCES OF INFORMATION (Case specific references, e.g., State files, sample analysis, reports)

Observed; State files - NJDEP



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 11 - ENFORCEMENT INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER

II. ENFORCEMENT INFORMATION

01 PAST REGULATORY/ENFORCEMENT ACTION ☒ YES ☐ NO

02 DESCRIPTION OF FEDERAL, STATE, LOCAL REGULATORY/ENFORCEMENT ACTION

State of New Jersey, Department of Environmental Protection, Division of Environmental Quality, Solid Waste Administration served Borne Chemical Co. Inc. with a Notice of Prosecution for violations occurring on the premises on April 21, 1980. The NJ DEP is currently attempting to place Borne on a clean-up schedule in the form of a consent order.

III. SOURCES OF INFORMATION (See specific references, e.g., EPA/RS, APCA analysis, RPDs)

State files - NJDEP

M

GOETHALS BRIDGE

FRONT STREET

ADMINISTRATIVE
BLDG.

CHEM
LAB

UNUSED BLDG.

OIL
TANK

STORAGE
SHED

UNUSED BLDG.

MAIN
PLANT

GUARD
HOUSE

MAIN GATE

RAILROAD
TRACKS

TANK FARM

CLIFTON

SEAWALL

ARTHUR KILL

BORNE CHEMICAL CO.
ELIZABETH, N.J.

FRED C. HART ASSOC. INC.

8/24/81

DATE January 14, 1987

Referral No. E1-1

SUBJECT Potential Uncontrolled Hazardous Waste Storage/Disposal Site

FROM Regional Office, Office of Emergency Response
Hazardous Materials Inspection BranchTo John P. Fisco, Chief
Hazardous Waste Site Investigation Program

Attached is a report which we received regarding a site which
warrant a hazardous waste site inspection:

Facility: BOONE CHEMICAL CO.Location: ELIZABETH, NEW JERSEY

The attached is submitted for your evaluation.

Attachment

ecology and environment, inc.

300 MCGAW DRIVE, RARITAN CENTER, 2ND FLOOR, EDISON, NEW JERSEY 08817, TEL. 201-225-9659

International Specialists in the Environmental Sciences

January 7, 1981

Fred N. Rubel
Chief, ER & HMI Branch
U.S. EPA
Edison, NJ 08817

Subject: Inspection of Borne Chemical Co., Elizabeth, New Jersey

Dear Fred:

This is to inform you of a possible uncontrolled hazardous storage situation at the above facility.

During the SPCC inspection that we conducted for Coles Phinizy, Borne Management began explaining that 9 of their 23 tanks in the tank farm contained unknown amounts of chemical waste which they contend was placed there by Coastal Services, Inc. while that company was leasing space at Borne. In addition, we noted that there were several pools of waste laying on the ground in the "diked" area. Borne stated that this was dumped there by Coastal.

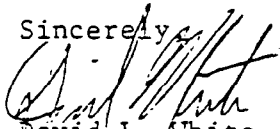
There are also approximately 1,000-2,000 55-gallon drums containing waste located on the property and in some of the buildings. Many of these are leaking.

Borne claims that neither the drums nor the waste in the tanks are of their doing and claim they are trying, through legal channels, to force the responsible companies to move them.

An IR analysis characterization of the tanks' contents was done by Borne (see copy attached). It's a possibility that these tanks may contain dangerous wastes but, obviously, this analysis cannot really say.

In light of the fact that the chemical control site is only about a 1/2 mile down the road, it might be a good idea to have this place checked out thoroughly by Rick Spear's group to avoid a possible recurrence.

Sincerely,


David L. White

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO _____ TO FILE _____
FROM _____ NORMAN DAVIS, JR., HSMS IV, BUREAU OF PLANNING AND ASSESSMENT _____
SUBJECT _____ BORNE CHEMICAL COMPANY, WINDSHIELD RECON. _____

On Tuesday June 23rd, Chris Holstrom and I went to examine the Borne Chemical Site NJD002167237 In Elizabeth, New Jersey. It appears that the entire Borne Site is in a significant state of decay. From previous information available the structures have not significantly changed, or been modified.

TANK FARM AREA

On the perimeter of the tank farm area is over grown with vegetation. The 23 storage tanks are visibly corroded on at least $\frac{1}{2}$ of their surface area. Throughout the diked area of the farm there are areas of standing water present. This same area is lettered with debris such as old pallets, cans, etc. Several drums were also present towards the Arthur Kill, one drum was crushed.

BLENDING & ADMINISTRATIVE AREA

Most all of the administrative buildings, including the laboratory have an abandoned look to them. The grass areas are completely overgrown with vegetation. There appeared to be some business going on since the main gate was open and there were several cars, (3) inside the fenced area. From the road it was difficult to see inside the buildings because of shadows, however there were what appeared to be drums present in a shed like attachment to the main manufacturing building. The general ground in and around the blending areas was somewhat devoid of vegetation when compared to other area perhaps indicating soil contamination.

This facility has the overall look of an area that will only get worse as there appears to be no maintenance plans by the current owners.

Attachment I

MEMONEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO TO FILE

FROM NORMAN DAVIS, JR, HSMS IV, BUREAU OF PLANNING AND ASSESSMENT DATE _____

SUBJECT BORNE CHEMICAL COMPANY , SITE MANAGER INTERVIEW, FRANK GROMAND, NJDEP

Borne Chemical Company site is currently in an inactive status as the company is bankrupt. The last major environmental activity occurred on the site during 1986 when some sampling was performed. The current caretaker of the site is a Mr. Edward Cincotta of E.B. Dande Co. Inc. Mr. Cincotta is the former general manager of Borne Chemical who was in charge of the Elizabeth facility.

Mr. Gromand last opportunity to visit the site was approximately one year ago, his recollections of the site are the following:

1. The tanks farm storage tanks still contain the residual bottoms.
2. Some of the tanks still have quantities of oil present in them (in some cases several inches).
3. Large quantities of unknown oils and greases have been spilled throughout the facility grounds and buildings.
4. There are considerable quantities of old drums, cans and bottles stored in the blending and storage buildings. The majority of this material is of unknown origin, but it all generally seems to be associated with hydrocarbon oil blending uses.
5. His major concern is the poor state of the buildings, the large amount of flammable material and the potential for fire. These buildings are located nearby directly under interstate 178 Goethals bridge.
6. The security of the area though fenced, has been breeched in several points along the waterway, and access to the site buildings can be gained due to decay of the doors.

The Office of Regulatory Services has issued a case directive to remove all hazardous materials from tanks, remove all chemical drums, bottles and cans from buidings. The directive also calls for improved site security to the fence and building accesses.

Attachment J

7/7/87

Let's protect our earth



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF REGULATORY SERVICES

CN 402
TRENTON, N.J. 08625
609 - 292 - 2906

GERARD BURKE
DIRECTOR

SUSAN SAVOCA
ASSISTANT DIRECTOR
GEORGE F. SCHLOSSER
ASSISTANT DIRECTOR

July 7, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

See Attached Service List

Subject: Borne Chemical Company
Elizabeth, New Jersey
Directive dated July 7, 1987

Dear Sirs:

Enclosed for service upon you please find a Directive with respect to the Borne Chemical Company site. This Directive is self-explanatory.

If you have any questions, please contact me at (609) 984-7610, or Karer Lccha, Esq., at (609) 292-2906.

Very truly yours,

John R. Renella

John R. Renella, Esq.

Is
Enclosure

c: Gerard Burke, Director, ORS
George Schlosser, Assistant Director, ORS
Karl Delaney, Chief, BCM
Frank Groman, BCM
Karen Lccha, ORS
Kenneth W. Elwell, DAG

SERVICE LIST

Leon Margolis, Vice President
A. Margolis & Sons Corp.
1504 Atlantic Avenue
Brooklyn, New York 11216

Office of the President
AT & T - Bell Laboratories
600 Mountain Road
Murray Hill, New Jersey 07974

Mr. William A. Dolan
Baron Chemicals, Inc.
666 Boesal Avenue
Manville, New Jersey 08835

Office of the President
Basic Incorporated
845 Hanna Building
Cleveland, Ohio 44115

Office of the President
BP North America Trading, Inc.
620 Fifth Avenue
New York, New York 10020

Office of the President
Buckeye Pipe Line Company
P.O. Box 368
Emmaus, Pennsylvania 18049

Mr. Marvin Mahan
Chemsol, Inc.
P.O. Box 190
1703 East 2nd Street
Scotch Plains, New Jersey 07076

Office of the President
Chesebrough-Pond's, Inc.
33 Benedict Place
P.O. Box 6000
Greenwich, Connecticut 06836

Office of the President
Coastal Oil Company
Gateway I - Suite 300
Newark, New Jersey 07102

Office of the President
Combustion Engineering, Inc.
P.O. Box 828
Valley Forge, Pennsylvania 19482

Mr. Edward R. Hess
Edward R. Hess Company
374 Uniondale Avenue
P.O. Box 222
Uniondale, New York 11533

Office of the President
Elf Marine (London) Int'l. Service
30/33 Minorities
London EC3N 1DX
England

Office of the President
Exxon Corporation
P.O. Box 2169
Houston, Texas 77001

Office of the President
Food Haulers, Inc.
600 York Street
Elizabeth, New Jersey 07207

Office of the President
Getty Oil Company
3810 Wilshire
Los Angeles, California 90010

Sotiri B. Zanolopoulo, President
Keyline Research & Development
8 Station Square
Rutherford, New Jersey 07070

Mr. Hans H. Schafft
Lehan Sales Company
P.O. Box 266
Scottsville, Virginia 24590

Peter Nerger, President
Marisol, Inc.
P.O. Box 144
Bloomfield, New Jersey 07003

K

Office of the President
Peabody Clean Industry Inc. of
Massachusetts
4 Landmark Square
P.O. Box 10063
Stamford, Connecticut 06904

Donald J. St. John, Esq.
Vice President, General Counsel
and Secretary
Peabody International Corporation
4 Landmark Square
P.O. Box 10063
Stamford, Connecticut 06904

Office of the President
Phelps Dodge Copper Products Company
P.O. Box 648
Elizabeth, New Jersey 07207

Office of the President
Public Service Electric & Gas Company
80 Park Plaza, T10C
Newark, New Jersey 07101

Alvin A. Birne, President
Swan Michigan Oil Company
180 West 5th Street
Bayonne, New Jersey 07002

Office of the President
Texaco Inc.
P.O. Box 52332
Houston, Texas 77052

Office of the President
The Ocean Oil Company Limited
St. Clare House
30/33 Minories
London EC3N 1DX
England

Office of the President
The Rolfite Company
300 Broad Street
Stamford, Connecticut 06901

Office of the President
United States Oil Corporation
11 Broadway
New York, New York 10004

A. Margolis & Sons Corp.
c/o Bernard Margolis
242 Park Place
Irvington, New Jersey 07052

BP North America Trading, Inc.
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

Buckeye Pipe Line Company
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

Chesebrough-Pond's, Inc.
c/o Prentice-Hall Corp. System
150 West State Street
Trenton, New Jersey 08608

Combustion Engineering, Inc.
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

Exxon Corporation
c/o Edwin K. Large, Jr.
117 Main Street
Flemington, New Jersey 08822

Food Haulers, Inc.
c/o Jerome D. Yaguda
600 York Street
Elizabeth, New Jersey 07207

Getty Oil Company
c/o Prentice-Hall Corp. System
One Exchange Place
First Jersey National Bank
Jersey City, New Jersey 07303

Keyline Research & Development
c/o Speiller & Kris
19 Rector Street
New York, New York 10006

Marisol, Inc.
c/o Richard A. Levao
Shanley & Fisher
131 Madison Avenue
CN-1979
Morristown, New Jersey 07960

K

Office of the President
Wakefern Food Corporation
600 York Street
Elizabeth, New Jersey 07207

Peabody Clean Industry, Inc. of
Massachusetts
c/o Prentice Hall Corp.
150 West State Street
Trenton, New Jersey 08608

Peabody International Corporation
c/o Prentice Hall Corp.
150 West State Street
Trenton, New Jersey 08608

Public Service Electric and Gas Co.
c/o Robert S. Smith
80 Park Plaza
Newark, New Jersey 07102

Swan Michigan Oil Company
c/o Alvin A. Birne
43 Berkley Drive
Tenafly, New Jersey 07670

Texaco Inc.
c/o Prentice Hall Corp. System
150 West State Street
Trenton, New Jersey 08608

The Rolfite Company
c/o Corporation Trust Company
28 West State Street
Trenton, New Jersey 08608

United States Oil Corporation
c/o William M. Wrocklage
1 Valley Street
Hawthorne, New Jersey 07506

Wakefern Food Corporation
Jerome D. Yaguda
600 York Street
Elizabeth, New Jersey 07207



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director

401 East State St.

CN 028

Trenton, N.J. 08625

609 - 633 - 1408

IN THE MATTER OF BORNE CHIMICAL COMPANY :

-AND- :

A. MARGOLIS & SONS CORP.; :

AT&T - BELL LABORATORIES; :

BARCN CHEMICALS, INC.; :

BASIC INCORPORATED; :

BP NORTH AMERICA TRADING, INC.; :

BUCKEYE PIPE LINE COMPANY; :

CHEMSOL, INC.; :

CHESEBROUGH - PCND'S INC.; :

COASTAL OIL COMPANY; :

COMBUSTION ENGINEERING, INC.; :

EDWARD R. HESS COMPANY; :

ELF MARINE (LONDON) INTERNATIONAL SERVICE; :

EXXON CORPORATION; :

FOOD HAULERS, INC.; :

GETTY OIL COMPANY; :

KEYLINE RESEARCH & DEVELOPMENT; :

LEHAN SALES COMPANY; :

MARISOL, INC.; :

PEABODY CLEAN INDUSTRY, INC. OF MASSACHUSETTS; :

PEABODY INTERNATIONAL CORPORATION; :

PHELPS DODGE COPPER PRODUCTS COMPANY; :

PUBLIC SERVICE ELECTRIC AND GAS COMPANY; :

SWAN MICHIGAN OIL COMPANY; :

TEXACO INC.; :

THE OCEAN OIL COMPANY LIMITED; :

THE ROLFITE COMPANY; :

UNITED STATES OIL CORPORATION; and :

WAKEFERN FOOD CORPORATION, :

Respondents

DIRECTIVE

This DIRECTIVE is issued to the above-captioned Respondents pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (the "Department") by N.J.S.A. 13:1D-1 et seq. and the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq. (the "Act"), and duly delegated to the Assistant Director for Enforcement of the Division of Hazardous Waste Management pursuant to N.J.S.A. 13:1B-4. This DIRECTIVE is issued in order to notify the above-captioned Respondents that the Department, pursuant to the provisions of the Act, has determined it is necessary to remove or arrange for the removal of certain hazardous

substances, and in order to notify such Respondents that the Department believes them to be responsible for such removal.

FINDINGS

A. The Site

1. Borne Chemical Company (formerly Borne, Scrymser Corporation) (collectively "Borne") is located at 600-616 and 632-650 South Front Street, Elizabeth, Union County, New Jersey, Block 4, Lots 1468 and 1469, on the Tax Map of the City of Elizabeth (the "Borne site" or the "site"). The site, which consists of approximately 6.2 acres, plus an easement, is bounded on the west by South Front Street, on the east by the Arthur Kill, and on the north and south by other commercial/industrial facilities.

B. Respondents

2. A. Margolis & Sons Corp. ("Margolis") of Brooklyn, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
3. AT&T - Bell Laboratories ("AT&T") of Basking Ridge, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
4. Baron Chemicals, Inc. ("Baron") of Manville, New Jersey, was a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
5. Basic Incorporated ("Basic") of Cleveland, Ohio, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
6. BP North America Trading, Inc. ("BPNAT") of New York, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances. In addition, BPNAT is the parent corporation of Coastal Oil Company.
7. Buckeye Pipe Line Company ("Buckeye") of Emmaus, Pennsylvania, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
8. Chemsol, Inc. ("Chemsol") of Scotch Plains, New Jersey, was a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
9. Chesebrough - Pond's Inc. ("Chesebrough-Pond's") of Greenwich, Connecticut, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.

10. Coastal Oil Company ("Coastal Oil") of Newark, New Jersey, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
11. Combustion Engineering, Inc. ("Combustion Engineering") of Valley Forge, Pennsylvania, is the parent corporation of Basic.
12. Edward R. Hess Company ("Hess") of Uniondale, New York, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
13. Elf Marine (London) International Service ("Elf Marine") of London, England, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
14. Exxon Corporation ("Exxon") of Linden, New Jersey, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
15. Food Haulers, Inc. ("Food Haulers") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
16. Getty Oil Company ("Getty") of Los Angeles, California, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
17. Keyline Research & Development ("Keyline") of Rutherford, New Jersey, was a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
18. Lehan Sales Company ("Lehan") of Scottsville, Virginia, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
19. Marisol, Inc. ("Marisol") of Bloomfield, New Jersey, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
20. Peabody Clean Industry, Inc. of Massachusetts ("Peabody") of Stamford, Connecticut, is a corporation involved in the treatment, storage and disposal of chemical-based products and wastes, including hazardous substances.
21. Peabody International Corporation ("Peabody International") of Stamford, Connecticut, is the parent corporation of Peabody.
22. Phelps Dodge Copper Products Company ("Phelps Dodge") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

23. Public Service Electric and Gas Company ("PSE&G") of Newark, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.
24. Swan Michigan Oil Company ("Swan Michigan") of Bayonne, New Jersey, is a company involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
25. Texaco Inc. ("Texaco") of Houston, Texas, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
26. The Ocean Oil Company Limited ("Ocean") of London, England, is the parent company of Elf Marine.
27. The Rolfite Company ("Rolfite") of Stamford, Connecticut, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
28. United States Oil Corporation ("U.S. Oil") of New York, New York, is a corporation involved in the manufacture and distribution of various chemical-based products and wastes, including hazardous substances.
29. Wakefern Food Corporation ("Wakefern") of Elizabeth, New Jersey, is a corporation which utilizes and generates chemical-based products and wastes, including hazardous substances.

C. Site History

30. From 1917 until 1984, Borne (which was known as Borne, Scrymser Corporation until approximately 1966) conducted operations involving the blending and mixing of various petroleum hydrocarbons and additives into lubricants, the mixing of tanning and dye products, and the packaging and shipping of these and other chemical-based products and wastes, including hazardous substances. Borne also conducted operations involving the warehousing and storage of various chemical-based products and wastes, including hazardous substances.
31. Borne maintained various facilities and equipment for conducting the operations referred to in Paragraph 30, including: two manufacturing buildings containing blending and mixing equipment and various storage tanks; a drum filling and storage building; a bulkhead for the unloading and loading of ships; a railroad siding for the unloading and loading of railroad cars; and large, elevated tanks used in conjunction with the mixing operations and for storage (the "elevated tanks" or the "tank farm").
32. On February 15, 1980, Borne filed a voluntary petition for bankruptcy (Chapter 11) in the United States Bankruptcy Court for the District of New Jersey, Case No. 80-00495. On October 10, 1986, the Court entered an Order authorizing the Trustee to abandon the site.
33. During a portion of the above-referenced period of time, Peabody (previously known as Coastal Services, Inc.) conducted operations at

the site involving the transportation, treatment, storage and disposal of chemical-based products and wastes, including hazardous substances.

34. During a portion of the above-referenced period of time, Margolis utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
35. During a portion of the above-referenced period of time, AT&T hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Murray Hill, New Jersey, which wastes were disposed of at the site.
36. During a portion of the above-referenced period of time, Baron utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
37. During a portion of the above-referenced period of time, Basic utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
38. During a portion of the above-referenced period of time, BPNAT utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
39. During a portion of the above-referenced period of time, Buckeye hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Linden, New Jersey, which wastes were disposed of at the site.
40. During a portion of the above-referenced period of time, Chemsol utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
41. During a portion of the above-referenced period of time, Chesebrough-Pond's utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
42. During a portion of the above-referenced period of time, Coastal Oil utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
43. During a portion of the above-referenced period of time, Hess utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.

44. During a portion of the above-referenced period of time, Elf Marine utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
45. During a portion of the above-referenced period of time, Exxon utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
46. During a portion of the above-referenced period of time, Food Haulers utilized the services and facilities of Borne for the storage and distribution of its chemical-based materials, including hazardous substances.
47. During a portion of the above-referenced period of time, Getty utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
48. During a portion of the above-referenced period of time, Keyline utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
49. During a portion of the above-referenced period of time, Lehan utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and waste, including hazardous substances.
50. During a portion of the above-referenced period of time, Marisol utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
51. During a portion of the above-referenced period of time, Phelps Dodge hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Elizabeth, New Jersey, which wastes were disposed of at the site.
52. During a portion of the above-referenced period of time, PSE&G hired Peabody to transport and dispose of wastes, including hazardous substances, from its facility in Jersey City, New Jersey, which wastes were disposed of at the site.
53. During a portion of the above-referenced period of time, Swan Michigan utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
54. During a portion of the above-referenced period of time, Texaco utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.

55. During a portion of the above-referenced period of time, Rolfite utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
56. During a portion of the above-referenced period of time, U.S. Oil utilized the services and facilities of Borne for the manufacture, storage and distribution of its chemical-based products and wastes, including hazardous substances.
57. During a portion of the above-referenced period of time, Wakefern utilized the services and facilities of Borne for the storage and distribution of its chemical-based materials, including hazardous substances.

D. Site Contamination

58. Analyses of surface soil samples obtained from several locations at the site reveal that various hazardous substances have been discharged onto the lands and into the surface water at the site. These analyses reveal the presence in the soil of, among others, the following hazardous substances: petroleum hydrocarbons in amounts up to 312,000 parts per million ("ppm"); total volatile organics (including benzene, ethylbenzene, toluene, and 1,2-trans-dichloroethylene) in amounts up to 1237 ppm; total base/neutral compounds (including benzo(a)anthracene, benzo(a)pyrene, bis (2-ethylhexyl) phthalate, flouranthene, and phenanthrene) in amounts up to 10,443 ppm; chromium in amounts up to 340 ppm; lead in amounts up to 470 ppm; and zinc in amounts up to 1030 ppm.
59. Analyses of liquid and sludge samples taken from the elevated tanks and from storage vessels in the manufacturing and drum filling buildings reveal the presence of large volumes of hazardous substances at the site. These hazardous substances include, among others, petroleum hydrocarbons contaminated with: polychlorinated biphenyls in amounts up to 200 ppm; chromium in amounts up to 59 ppm; lead in amounts up to 81 ppm; nickel in amounts up to 72 ppm; and zinc in amounts up to 40,500 ppm.
60. In addition to the above contamination, inspection of the site by representatives of the Department has revealed the presence of numerous drums of unknown materials at the site. Analyses of samples taken from such drums reveal the presence of hazardous substances, including volatile organic substances in amounts totalling up to 1910 ppm.

E. Storage and Site Security

61. The hazardous substances contained in the elevated tanks, storage tanks and vessels, drums, and all other containers at the site, are not satisfactorily stored or contained and are or may be discharging onto the lands and into the ground and surface waters at the site.
62. The Borne site is inadequately secured against unauthorized entry by members of the public. The site, which is in close proximity to a

residential area, has the potential for unauthorized access from all sides, including the Arthur Kill and South Front Street.

63. As long as the site remains inadequately secured, the potential exists for members of the public to come into direct contact with the various hazardous substances referenced above.
64. Because of the volume and nature of the hazardous substances at the site, the inadequate and unsatisfactory storage of such hazardous substances, and the potential for unauthorized access by members of the public, there exists the potential for fire and/or explosion to occur, and the potential for imminent and severe damage to the public health and safety and the environment.

F. Interim Remedial Measure

65. Based upon all the above, the Department has determined that in order to prevent unauthorized access to the site and to protect the public health and safety and the environment, it is necessary to remove from the site, and dispose of properly, all hazardous substances at the site, and to take necessary and appropriate measures to prevent unauthorized access to the site.

G. Liability

66. The hazardous substances referred to above have been, and continue to be, discharged onto the lands and into the surface waters of the State, or such hazardous substances are not satisfactorily stored or contained and if discharged would create a substantial risk of imminent damage to the public health and safety or imminent and severe damage to the environment, in violation of Section 4 of the Act, N.J.S.A. 58:10-23.11c.
67. The Department believes that Margolis, AT&T, Baron, Basic, BPNAT, Buckeye, Chemsol, Chesebrough-Pond's, Coastal Oil, Combustion Engineering, Hess, Elf Marine, Exxon, Food Haulers, Getty, Keyline, Lehan, Marisol, Peabody, Peabody International, Phelps Dodge, PSE&G, Swan Michigan, Texaco, Ocean, Rolfite, U.S. Oil, and Wakefern (hereinafter "Respondents") are responsible for the discharge, and the potential discharge, of hazardous substances at the Borne site.
68. Pursuant to N.J.S.A. 58:10-23.11g(c), the Respondents are strictly liable, jointly and severally, without regard to fault, for all costs of the cleanup and removal of the hazardous substances discharged, or stored, at and from the Borne site.
69. Pursuant to N.J.S.A. 58:10-23.11f, whenever any hazardous substance is or may be discharged, the Department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge.

DIRECTIVE

NOW, THEREFORE, RESPONDENTS ARE HEREBY DIRECTED TO:

70. Within thirty (30) calendar days after receipt of this DIRECTIVE, provide adequate security against the unauthorized entry to the site by members of the public, provide adequate protection against the risk of fire and/or explosion at the site, and eliminate the risk of imminent damage to the public health and safety or imminent and severe damage to the environment, by:

a. Securing the site.

Site security is to be implemented and maintained, at a minimum, by:

1. The repair, replacement or addition, as required, of fencing and gates around the site perimeter and tank farm; the posting of the perimeter of the site and tank farm with "Warning: No Trespassing" signs, and the locking of all gates and entrances to prevent unauthorized access to the site;
2. Securing and/or sealing all accessible building openings and windows; locking, sealing, and/or otherwise securing, as appropriate, all building doors, gates or entrances to prevent unauthorized access to the buildings or structures; and
3. Providing adequate fire and explosion protection.

- b. Removing and properly disposing of the hazardous substances contained in all elevated tanks, storage vessels, drums or other containers at the site. The removal action must include, but not be limited to, the analysis, classification and proper disposal of the contents of all above ground and below ground piping; indoor and outdoor tanks, impoundments, barrels, drums, pails, bottles and other containers; the analysis, classification and proper disposal of debris, contaminated containers and all other potentially hazardous materials on the site.

NOTICE

If Respondents fail to perform the actions set forth in Paragraph 70, above, within thirty (30) days after receipt of this DIRECTIVE, the Department will perform the work using public funds. In order to ensure that the Respondents will perform the work in a proper and timely manner, the Respondents' commitment to perform the work must be memorialized in an Administrative Consent Order acceptable to the Department, with adequate financial assurances and stipulated penalties, within the thirty (30) day time period. If the Respondents are unwilling to execute such an Administrative Consent Order within the thirty (30) day time period, the Department will have no choice but to conclude that the Respondents are unwilling

to perform the work in a proper and timely manner, and the Department will proceed with the work using public funds. In addition, should Respondents fail to agree to perform the actions set forth above, the Department will commence suit against the Respondents seeking damages and reimbursement for all costs incurred. Specifically, failure to comply with this DIRECTIVE will increase Respondents' liability to the Department to an amount equal to three (3) times the cost of the work, and will cause a lien to be placed upon all of the Respondents' real and personal property, pursuant to Section 7 of the Act, N.J.S.A. 58:10-23.11f.

The Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., provides that its remedies are in addition to any other remedies allowed by law. Therefore, Respondents should be aware that the discharges referenced in this DIRECTIVE may also constitute violations of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and that Respondents may therefore be subject to the penalties prescribed for violations of the Water Pollution Control Act.

RESERVATION OF RIGHTS

The Department reserves the right to direct Respondents to take, or arrange for the taking of, any and all additional remedial actions should the Department determine that such actions are necessary to protect public health and safety or the environment.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date:

7/7/87

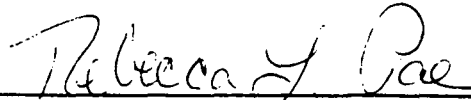
By:

Ronald T. Corcory

Ronald T. Corcory
Assistant Director for
Enforcement
Division of Hazardous Waste
Management

CERTIFICATE OF SERVICE

This Is to certify that on the 7th day of July, 1987, I served a true copy of the foregoing Directive entitled "In the Matter of Borne Chemical Company and A. Margolis & Sons Corp., et al." upon each of the persons listed on the attached Service List by certified mail, return receipt requested.



Rebecca Pae

EXHIBIT ONE

----- -X
In the Matter of :
 :
Borne Chemical Company, Inc. :
Elizabeth, New Jersey :
 :
Violation of the Oil Pollution :
Prevention Regulations Promulgated :
Pursuant to Section 311(j)(1)(C) :
of the Clean Water Act, 33 U.S.C. :
§ 1321(j)(1)(C) (1978) :
 :
 :
----- -X

AFFIDAVIT OF IMPLEMENTATION OF SPCC PLAN

EPA Docket No. OH-II-81-1

State of)
) ss:
County of)

_____, being duly sworn according to law, deposes and states:
(name of affiant)

(1) I am the _____ of Borne Chemical Company,
(official designation)
Inc. (Respondent), a duly authorized officer, director, agent or attorney. The
above-named corporation is the subject of an action, EPA Docket No. OH-II-81-1,
before the United States Environmental Protection Agency, Region II.

(2) I have personal knowledge of the facts of that proceeding, of the
Spill Prevention Control and Countermeasure (SPCC) Plan prepared by Respondent,
and of the status of implementation of the SPCC Plan at Respondent's Elizabeth,
New Jersey facility.

(3) The United States Environmental Protection Agency, Region II,
and Respondent entered into a written Settlement Agreement regarding this action
on _____, 1982. Phase ____ of Respondent's implementation of its SPCC
Plan has been fully implemented in accordance with the requirements of the SPCC
Plan and Paragraph ____ of the Settlement Agreement as of _____.
(date)

Signature: _____

Printed Name: _____

Sworn to before me this _____
day of _____, 198 .

(Notary Public)

APR 12 1983

Harwan Sadat, Ph.D., P.E.
 Administrator
 Hazardous Site Mitigation Administration
 New Jersey Department of
 Environmental Protection
 CN-028
 8 East Hanover Street
 Trenton, New Jersey 08625

Dear Dr. Sadat:

This is to review the current situation regarding the Borne Chemical site in Elizabeth, New Jersey. Over the past several weeks, we have discussed the possibility of adding the site to the National Priorities List (NPL) at the next update with members of your staff. As you know, this site was initially considered for ranking by the Environmental Protection Agency (EPA) for inclusion on the NPL. Attempts to score the site using the Hazard Ranking System were frustrated by a lack of data, specifically, there is no documented surface water or groundwater contamination or air emissions; and there is conflicting data on the volume and hazard of liquids in the storage tanks on the property. In short, the lack of information precluded inclusion on the NPL.

EPA had considered sampling the tanks at Borne in the spring of 1981, however, this effort was canceled when the New Jersey Department of Environmental Protection (NJDEP) Solid Waste Administration and Valley Forge Engineering, Borne's Consultant, initiated a tank sampling program aimed at the eventual characterization and removal of the material in the tanks. The data from the split-samples taken for PCB-analysis showed conflicting results; and EPA provided technical assistance in the review and resolution of the problems with the data.

The resolution of the situation in July of 1982 was that the material in the eight (8) tanks sampled would be removed by Valley Forge Engineering and the tanks possibly reused. NJDEP and Borne were continuing discussions on sampling and disposition of the material, if any, in the remaining tanks.

HWSB:HAS:J.V.CZAPOR:ld:3/31/83

CONCURRENCES							
SYMBOL	HWSB:HAS	HWSB:HAS	HWSB				
SURNAME	Czapor	Frisco	Dea				
DATE	4/4	4/4	4/4				

It now appears that the material in the eight (8) tanks has not been removed, likewise the remaining tanks have not been sampled. Therefore, I believe that we should reconsider the Borne Chemical site for inclusion on the NPL during the next quarterly update. Given the history of NJDEP's involvement with Borne, I would like your staff to take the lead in (1) developing the data necessary for HRS ranking and (2) clarifying the proposed use of the tanks and Borne's solvency to ascertain the sites RCRA status.

Should you have any questions in this matter, please contact myself or John Czapor of my staff at (212) 264-1573.

Sincerely yours,

Robert N. Ogg, P.E., Chief
Hazardous Waste Site Branch

cc: Keith Onsdorff
Barbara Greer

LAW OFFICES
EPSTEIN, EPSTEIN, BROWN, BOSEK & TURNDORF
305 MORRIS AVENUE
P.O. BOX 705
SPRINGFIELD, NEW JERSEY 07081
(201) 467-4444

*Czapek
for*

MILTON A. EPSTEIN
BARNET H. EPSTEIN
H. HARDING SROWN
SAUL BOSEK
GARY O. TURNDORF
LEWIS M. MARKOWITZ
ANDREW M. EPSTEIN
STEPHEN J. EDWARDS

DAVID A. SELASCO
VINCENT O. PARAGANO
ROBERT K. SROWN

May 26, 1982

JOSEPH O. EPSTEIN
(1934-1973)

Coles H. Phinizy, Jr., Esq.
U. S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Re: Borne Chemical Company, Inc.
Elizabeth, New Jersey
EPA Docket No. OH-II-81-1

Dear Mr. Phinizy:

I acknowledge receipt of your letter dated May 14 on May 18 with reference to the above-captioned matter. I have forwarded the letter to my client and it is being reviewed. Your letter requests a counterproposal within 15 days. Due to the schedules of both my client, Mr. Vecchione and myself, this is not possible. We ask your indulgence until June 14 and assure you that you will have our response by no later than that date. We trust that this will present no problem.

Very truly yours,

Lewis M. Markowitz
LEWIS M. MARKOWITZ

LMM/dlc
10591-009

cc: Frank J. Vecchione, Esq.
Mr. Stuart K. Patrick

John Czapor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

MAY 14 1982

Registered Mail-Return Receipt Requested

Lewis M. Markowitz, Esq.
Epstein, Epstein, Brown, Bosek and Turndorf
505 Morris Avenue
P. O. Box 705
Springfield, New Jersey 07081

Re: Borne Chemical Company, Inc.
Elizabeth, New Jersey
EPA Docket No. OH-II-81-1

Dear Mr. Markowitz:

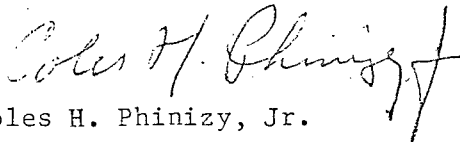
I have received your letter of May 5th relative to the above-captioned matter. Your letter rejects my proposed settlement of April 12th out of hand, labeling it a "...180 degree departure..." from our previous discussions. Yet your letter specifically objects only to the time frame of the proposed settlement. I therefore take it that this is the only area of difference between us.

I thought I had made it clear previously that the five-year time period for implementation of the SPCC Plan originally proposed by Borne was totally out of the question, given the magnitude of Borne's violations of the applicable regulations. I then made my April 12th proposal, an extremely fair one under the circumstances, incorporating much of what Borne had requested by way of phased implementation and essentially complete mitigation of the substantial penalty proposed to be assessed.

As I have also made clear in the past, EPA's willingness to mitigate voluntarily said penalty is dependant upon Borne's good faith efforts to comply with the regulations, see also 40 CFR 114.3(a)(2). I expect, if Borne is negotiating this matter in good faith, to receive a detailed counterproposal which EPA could evaluate and respond to. Therefore, please send me such a counterproposal, incorporating specific, reasonable dates for phased implementation and utilizing the format in my proposal, within fifteen (15) days of your receipt of this letter. After we have reviewed your counterproposal, we will certainly consider scheduling a meeting if that seems productive.

I am not sure what to make of your point as to the efficacy of working on the dike area prior to emptying and cleaning the tanks. For instance, what is meant by "dike cleaning"? As long as materials remain in the tanks, there is a potential for a spill to navigable waters and this is what compliance with the SPCC regulations, and construction of the dikes and other facilities, are meant to prevent. If other, justifiable, time-consuming work must be done on or in the dike area, then this obviously must be factored into any agreed-upon schedule of compliance.

Sincerely,



Coles H. Phinizy, Jr.
Attorney
Water Enforcement Branch
Enforcement Division

cc: Frank J. Vecchione, Esq.
Crummy, Del Dio, Dolan and Purcell -
Gateway One
Newark, New Jersey 07102

Mr. Thomas Leonard, Supervisor
Office of Hazardous Substances Control
New Jersey Department of
Environmental Protection
Trenton, New Jersey 08625

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LEWIS M. MARKOWITZ
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STEPHEN J. EDWARDS

DAVID A. BELASCO
VINCENT D. PARAGANO
ROBERT K. BROWN

May 5, 1982

JOSEPH D. EPSTEIN
(1934-1973)

Coles H. Phinizy, Jr., Esq.
U. S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Re: Borne Chemical Company, Inc.
Elizabeth, New Jersey
EPA Docket #OH-II-81-1

Dear Mr. Phinizy:

I am writing in response to your letter of April 12 and enclosures therein. I have forwarded the proposed draft settlement agreement to my client for its review. With regard thereto Borne Chemical Company, Inc. has the following comments.

Firstly, the proposed settlement represents a 180 degree departure from the terms as discussed at our meeting of May 1, 1981. The time periods set forth in the proposed settlement agreement are simply undoable. You are aware that Borne is in the midst of a Chapter XI proceedings and it is financially incapable of taking care of the matters within the time frame outlined in the proposed settlement agreement. We thought we had made that clear at our May 1 meeting wherein we set forth those time periods which we thought were reasonable to take care of the matter. At this point in time Borne does not have the money to lay out \$50,000.00 to implement the initial phase.

It is important also to note that it makes no sense whatsoever to do any work in the dike area until all of the tanks are emptied and cleaned. If the dike is cleaned and then one of the tanks ruptures or leaks in any way, the expensive work done in the dike area would be for naught. You should be aware that Borne is in the midst of working on emptying and cleaning out the tanks. Arrangements have been made with both the New Jersey State Department of Environmental Protection and the United States Environmental Protection Agency with regard to this project. At the current time there is a delay being experienced by Borne due to some questions by the State of Pennsylvania.

I want to reiterate again on behalf of our client that Borne Chemical Company is desirous of cooperating with your

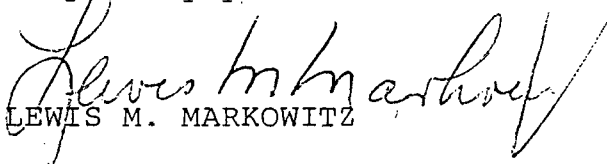
Coles H. Phinizy, Jr., Esq.

Page 2

May 5, 1982

office and with the United States Government. You will recall that that subcontractors of the Environmental Protection Agency indicated that the SPCC plan discussed at our May 1, 1981 meeting was the finest one they had ever seen. Borne does now as it has in the past stand ready to cooperate with your office to resolve this matter. The time periods set forth in the settlement agreement are simply not feasible. Perhaps another meeting to define the workable parameters of a solution should be held -to finally resolve this matter. I will await hearing from you.

Very truly yours,


LEWIS M. MARKOWITZ

LMM/dlc

10591-009

cc: Mr. Stuart K. Patrick
Frank J. Vecchione, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

26 FEDERAL PLAZA

NEW YORK, NEW YORK 10278

April 19, 1982

Mr. Charles R. Swody
Acting Chief
City of Elizabeth
Fire Department
316 Irvington Avenue
Elizabeth, New Jersey 07208

Dear Mr. Swody:

As discussed, enclosed are copies of the data you requested for the Borne Chemical tank farm. Three sets of data are provided:

1. The Caleb Brett Analysis report prepared for Borne dated November 13, 1980. This report shows several tanks with flash points less than 100°F.
2. The Ecology and Environment (E&E) report prepared for Borne dated March 8, 1982.
3. The Stablex-Reutter report prepared by the New Jersey Department of Environmental Protection dated February 10, 1982.

The E&E and Stablex reports are split samples taken from four tanks, some of which were previously analyzed by Caleb Brett.

Both reports show flash point values greater than 175°F. The latest data indicates that the flash points may not be as great a concern as originally thought. Also, you will note significant discrepancies in PCB values between E&E and Stablex. Pending further investigation and resolution of these discrepancies, I would ask that you refrain from utilizing or referencing either set of PCB data.

Should you have any questions regarding our activities at Borne Chemical, do not hesitate to contact me at (212) 264-1573.

Sincerely yours,

John V. Czapor
Hazard Assessment Section
Hazardous Waste Site Branch

Enclosures



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT

HAZARDOUS SITE MITIGATION ADMINISTRATION

CN 028, Trenton, N.J. 08625

JACK STANTON
DIRECTOR

MARWAN M. SADAT
ADMINISTRATOR

APR 20 1983

Mr. Robert N. Ogg, P.E., Chief
Hazardous Waste Site Branch
USEPA - Region II
26 Federal Plaza
New York, New York 10278

RE: Borne Chemical

Dear Mr. Ogg:

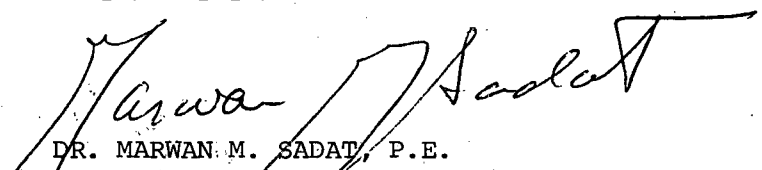
This is in response to your letter of April 12, 1983, concerning the Borne Chemical site in Elizabeth, New Jersey.

I fully concur with you that the site should be reconsidered for inclusion in the National Priority List. As you requested, we will take the lead in doing the necessary sampling and site investigation to properly rank the site in conformance with the HRS system. Dr. Berkowitz' group in this office will be responsible for carrying out this work.

In addition, by this letter I am requesting Mr. Keith Onsdorff, Assistant Director, Office of Regulatory Services, to assign an attorney to investigate Borne Chemical's solvency and to ascertain the RCRA status of this site.

Please feel free to call me on this matter if I can be of any further assistance.

Very truly yours,


DR. MARWAN M. SADAT, P.E.

Administrator

Hazardous Site Mitigation Administration

HS1:ejs

cc: K. Onsdorff w/Ogg's letter
J. Berkowitz
A. Farro